

Memorandum

TO: Planning Commission
SUBJECT: SEE BELOW

FROM: Harry Freitas, Director
DATE: April 7, 2015

SUPPLEMENTAL

SUBJECT: Conditional Use Permit to demolish a 2,384 square foot single family residence and construct an approximately 5,039 square foot day care center on an approximately 0.47 gross acre site in the R-1-5 Single-Family Residence Zoning District.

Location: East side of Klein Road, approximately 150 feet south of Murillo Avenue (2510 Klein Road) (APN 652-34-021).

REASON FOR SUPPLEMENTAL

This Supplemental memorandum addresses comments received on the Mitigated Negative Declaration (MND) prepared for the proposed Conditional Use Permit (File no. CP14-027). Responses are provided to comments on the adequacy of the analysis in the Initial Study and the proposed mitigation measures. The Mitigated Negative Declaration complies with the California Environmental Quality Act (CEQA).

BACKGROUND

The draft Initial Study and Mitigated Negative Declaration (IS/MND) for the project was prepared and evaluated in compliance with the requirements of CEQA. On March 16, 2015, the Director of Planning, Building, and Code Enforcement circulated the draft IS/MND for a 20-day public review in conformance with the requirements of CEQA. The public comment period for the draft IS/MND ended on April 6, 2015. The City received 24 comment letters from the community (attached).

The City is acting as the Lead Agency for this project as defined by CEQA. The draft Mitigated Negative Declaration (MND) and Initial Study is available at:
<http://www.sanjoseca.gov/index.aspx?nid=2165>.

ANALYSIS

The following analysis includes the public comments on the IS/MND and staff responses to comments as they relate to the potential environmental impacts of the project under CEQA. The primary issues raised in the comment letters related to traffic, noise, aesthetics, hazardous materials, parking, litter, loitering and privacy.

These issues are addressed below.

1. Traffic. Commenters expressed concern about increased traffic volumes in the neighborhood and congestion during drop-off and pick-up times.

Response: An operational analysis was prepared for the project by Hexagon Transportation Consultants and approved by the Public Works Department. The study evaluated traffic operations at the unsignalized intersection of Klein Road and Murillo Ave. and at the project driveways. The result of the study confirmed the trips generated by the project would not cause a level-of-service impact per the City's Transportation Policy, Council Policy 5-3 and that the site is sufficient to accommodate the projected trips generated by the proposed use.

2. Noise. Commenters expressed concern about increased noise levels from the play area and drop-off/pick-up.

Response: Thresholds for noise impacts under CEQA are established by the Noise Element of the City of San Jose General Plan. Zoning Ordinance noise standards are not thresholds under CEQA. With a Conditional Use Permit, the proposed project is permitted to exceed the noise standards of the Zoning Ordinance.

The noise impacts of this project were analyzed in a Noise Assessment prepared for the project by Edward L. Park Associates. As discussed in the Initial Study and the Staff Report to the Planning Commission (available through a link in the April 8, 2015 Planning Commission Agenda at <https://www.sanjoseca.gov/DocumentCenter/View/41838>), play area noise would exceed the thresholds established by General Plan Policies EC-1.2 and EC-1.3 and cause a significant increase in the existing noise environment at residences immediately adjacent to the site to the east, south and north. To reduce noise impacts to a less than significant level, noise control barriers have been required along the east, south and north property lines as defined in Mitigation Measures NOI-1.

3. Aesthetic. Commenters expressed concern that the proposed preschool would not integrate architecturally with the neighborhood, and that the acoustically-effective barriers to reduce noise impacts do not fit with the neighborhood character.

Response: As discussed in the Initial Study, the proposed project would not significantly degrade the existing visual character of the site. The proposed project alters the existing visual character of the site though the demolition of the existing one-story residence and the

construction of a two-story preschool building. However, the proposed project has undergone architectural and site design review by Planning Staff to ensure that the new building conforms to the quality and character of the existing residential development. In addition, the proposed structure conforms to the development standards for the R-1-5 Single Family Residence Zoning District. The proposed building is no taller than 23 feet and 7.5 inches and meets the minimum building setbacks. The acoustically-effective barriers, required as a Mitigation Measure to reduce noise impacts from the project, will undergo design review by City Staff.

4. Hazardous Materials. Commenters expressed concern that the property had not been checked for asbestos and lead-based paint.

Response: As discussed in the Initial Study (p 34), the project site does not contain hazardous materials nor it is listed on the State of California toxic site listing. In conformance with State and Local laws, as well as General Plan Policies MC-13.2, EC-7.4 and EC-7.11, a visual inspection/pre-demolition survey and possible sampling will be conducted prior to the demolition of the building in order to determine the presence of asbestos-containing materials and/or lead-based paint. The Director of Public Works will review and approve grading and erosion control plans prior to issuance of a grading permit for this project.

5. Parking. Commenters expressed concern that the number of parking stalls for the proposed project would be inadequate.

Response: The adequacy of parking supply is not an environmental issue analyzed under CEQA, and is therefore not discussed in the IS/MND. Parking supply is analyzed as part of the review of the project for conformance to the City's Municipal Code. Per the Staff Report to the Planning Commission (available through a link in the April 8, 2015 Planning Commission Agenda at <https://www.sanjoseca.gov/DocumentCenter/View/41838>), a total of 10 parking spaces will be provided. For child care centers, the Zoning Ordinance requires one parking space per six children for up to five parking spaces, and one parking space per ten children thereafter. This formula includes employee parking. As the proposed child care center would have an enrollment of up to 68 children, 9 parking spaces are required for the day care use. The proposed number of parking spaces fulfills the parking requirement of the Zoning Ordinance.

6. Litter and Weeds. Commenters expressed concern about the current state of the property, which has weeds growing and some litter on site.

Response: Litter and weeds are not an environmental issue analyzed under CEQA, and are therefore not discussed in the IS/MND. The proposed project will be required to adhere to the City's Anti-Litter permit condition, which states that "the site and surrounding area shall be maintained free of litter, refuse and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage." The proposed project will also be required to adhere to the City's Building and Property Maintenance permit condition, which states that "the property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping."

April 7, 2015

Subject: Public Comments on Draft Initial Study and MND for Klein Preschool (CP14-027)

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functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.”

7. Loitering. Commenters expressed concern that the proposed project would attract loiterers to the neighborhood.

Response: Loitering is not an environmental issue analyzed under CEQA, and is therefore not discussed in the IS/MND. This project was referred to the San Jose Police Department and no concerns were raised about loitering.

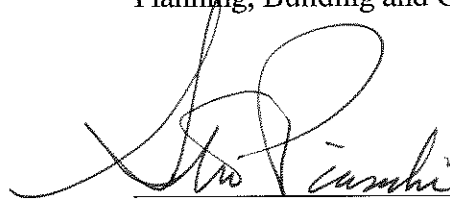
8. Privacy. Commenters expressed concern that the proposed project would decrease privacy to immediately adjacent residents.

Response: Privacy is not an environmental issue analyzed under CEQA, and is therefore not discussed in the IS/MND. The proposed project would include 6-8 foot walls surrounding the rear play area which would prevent students and teachers from viewing the private areas of adjacent residences. The second story of the proposed project is an office space that will be used by preschool staff only.

CONCLUSION

Based upon review and analysis of the comments received during the public circulation period for the Klein Preschool Draft Initial Study and Mitigated Negative Declaration, there is no evidence to indicated that implementation of the proposed project including proposed mitigation measures would result in a significant environmental impact under CEQA and therefore it is appropriate for the City to adopt a Mitigated Negative Declaration for the project.

HARRY FREITAS, DIRECTOR
Planning, Building and Code Enforcement

A handwritten signature in black ink, appearing to read 'Harry Freitas', is written over a horizontal line.

For questions please contact Whitney Berry at (408) 535-7829

Attachments:

1. Public Comment Letters on Draft Initial Study and MND

Re: Klein Pre-school Project

Fariba M <fariba40@gmail.com>

Tue 3/17/2015 11:57 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Good Morning,

It was extremely upsetting to receive the email today on the approval of this 68 kid Daycare center in the middle of our quiet, residential neighborhood. I have to leave my house early every morning. There is going to be solid traffic on my now quiet street. I will not even be able to pull out of my driveway without someone blocking me. The same thing for when I get home and the parents are all picking up their kids. I bought my house all the way up on Klein because of the fact that it was a quiet, residential neighborhood. I paid more for my house and have to endure inconveniences such as being far from the freeway, stores and gas stations, but it was all worth it to me because I valued so much the quiet neighborhood and no traffic on my street.

If I wanted to live across from a school or a huge daycare like this one, I could have bought my house on a major street that would have been close to freeways, grocery stores, 7 11 & gas stations. By approving this commercial business in the middle of my residential neighborhood, you are destroying the very reason my I bought our houses up here in the first place. This is not an 8 to 10 kid home daycare, this is a full on commercial business. Kindly re-consider approving this ridiculous proposal that is going to completely change and ruin our beautiful community. I thank you in advance for your time & ask to please take all of our objections in to consideration.

Best Regards,

Fariba T. Mason

History of CP12-027

Kevin Lyter <thephysgenius@gmail.com>

Thu 3/26/2015 7:47 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

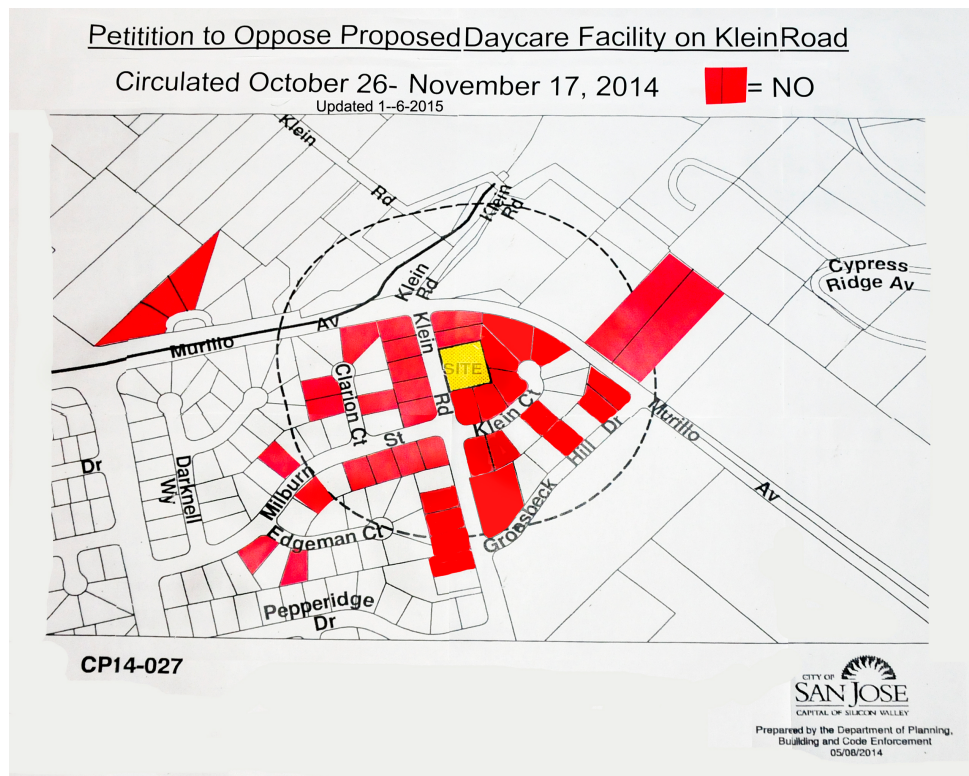
Dear Ms. Berry

My name is Kevin Lyter and I am writing to add my voice to opposition to CP14-027, the proposed pre-school project on Klein Road. I have lived and enjoyed living for more than 20 years at my address at 2707 Klein Road, across the street from the proposed project. This area is rural, remote, and as quiet as any part of San Jose, and this proposed project would forever destroy the quality of our neighborhood.

I can't believe this process has been allowed to progress as far as it has. No fair-minded observer has said or would ever say a project to have a 70 child pre-school business belongs on this street, or in this neighborhood.

The only reason this project could have ever been considered was because of its misleading description and its misrepresentation to the city of San Jose and to our neighborhood. The notice posted on the property still says the current residence will be renovated for a daycare. The owners claimed in the summer of 2014 they asked members of the neighborhood if they minded if the newly acquired property would be used as a daycare. The Staff Report issued in November of 2014 blindly accepted this statement and included that there was considerable support for the project. It was not until the full application was revealed online that our neighborhood became aware of the immensity of the 70 child pre-school project.

After word spread of the actual nature of the project, a petition opposing the preschool was quickly circulated among the neighbors, and more than 45 signatures within the 500 ft noticing radius were gathered. The results of the petition were graphically displayed on the noticing map and the result shows an astonishing rejection of this pre-school idea. I am enclosing for you a copy of that map.



Upon the distribution of this map to city planners and officials, the planned November 19 vote by the Planning Commission on this project was abruptly postponed and the city planner in charge no longer worked for the city. In its wake, a community meeting was held January 7, and was attended by more than 40 neighbors, all voicing their opposition to this project. We were told by city planners that the report would not be rewritten but would be reviewed before the January 28, 2015 meeting of the Planning Commission and our input would be noted.

Shortly before the scheduled meeting, we were notified by city planners that new environmental concerns were to cause another postponement of the vote of this project. The postponement was for at least six weeks to complete the study and write a new Staff Report. Now, more than eight weeks later, you have sent this completed Initial Study to me and while very thorough, has no mention of the overwhelming community opposition to the project.

I am currently awaiting the revised Staff Report. I hope that it will finally document the neighborhood's sentiment and overwhelming opposition to this project and the staff will recommend against its approval. I expect this email will also be included with the revised Staff Report.

This project should have never been allowed in our neighborhood, and the city needs to listen to the voice of the community.

Sincerely,

Kevin Lyter

klein road project for preschool

Nancy Bachrach <divanancybach@gmail.com>

Mon 3/30/2015 10:03 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

I called code enforcement about the blight at the supposed project site. If there not taking care of the property, what makes you think they will take care of it after the preschool is built? LITTER! LITTER! LITTER!

PUBLIC COMMENTS – Opposing View CP14024 - Klein Road Daycare/Preschool

I am strongly opposing this project, which originally was presented as a daycare and is now called a preschool. This project does not fall in the true spirit of the San Jose's General Policy. Additionally, the policy guidelines are minimum guidelines and they do not automatically qualify a project to be approved and change the total character of a neighborhood. Our entire community is against the approval of this Commercial Use Permit (CUP) right in the middle of residential homes. We submitted opposing petitions at the first scheduled planning department hearing and then at the community meeting.

How could this be considered fair to convert a SFR on a quiet residential street where currently there are 2-3 people living to a preschool with 68 children, 6 teachers and one owner and an assistant. The number of teachers also keeps changing in each report. I am having nightmares just with the thought of this business in front of our home, where every single working day, there will be cars blocking my driveway to make a left turn into this project.

The project is not on a controlled intersection. Who is going to guarantee that we will not be locked in our driveways during the peak periods in the morning and the peak periods in the evening? Who believes that this 150 ft section from Klein and Murillo to the project is not going to be a chaotic mess with traffic circling in this very short distance, creating almost like a U-turn situation? Worse yet, the outbound driveway of the project allows both left turn and right turn - it is unbelievable.

We have lived here for 15 years and now an outsider, an investor, gets preference over the voice of the hardworking citizens, who only ask the Planning Commission to not take away their peace by approving the project. All of us who live around this property feel like we do not even want to live here if this project is approved as it will change our living environment completely. Is it fair to put this type of financial burden on day-to-day people to accommodate an investor who has not lived in the community and has no intention to live in the community? Their only motive is to make money without any regard for us. They have misrepresented the project from the very beginning and this project does not benefit our neighborhood. The only people who benefit from this project are the owners.

Noise Report:

Significant Negative Impacts and We Do Not Want High Walls Erected in Our Neighborhood:

Parking lot and drop off/pick up noise: The analysis indicates 64dBA at the south property line and a significant negative impact. The noise level could be up to 9dB in excess of the 55 dBA limit of the City of San Jose Zoning Ordinance standards.

We do not want to have large walls erected to accommodate the preschool and making our homes aesthetically less appealing, not having proper sun, and not having the open

view we have now. These kinds of walls belong in a commercial or industrial area and not here in a beautiful residential area.

Playground Noise Impact: The Lmax sound levels will range from 65-76 dBA at the north property line; 72-83 dBA at the east property line; and 62-73 dBA at the south property line. **The necessary noise barriers would need to be 11 ft high to 31 ft high and 9 ft high at the north, east, and south property lines, respectively, to comply with the Zoning Ordinance standards. These measures are not feasible according to the study.**

Shouldn't this project be stopped immediately given the negative impact that we have been saying we will have all along? We have put our lives on hold because of this project as we are all so stressed. We have spent so much time with the petitions, coming to the first scheduled Planning Commission hearing meeting for this project, and then attending the community meeting and our neighborhood meetings, e-mails, comments, reading the reports. It just keeps going on and on. We are all humans and we are all working people with families and other responsibilities. This project keeps eating into our lives and the owners are allowed to keep pushing and pushing everyone for their gain.

Trash for 74 People: The area of additional noise not covered in the study is Day of the Garbage Pick Up. The preschool will be generating trash for 74 people vs. 2-3 residents now living there. This trash will be put on the street in Commercial Size bins a night before. This will cause additional foul smell, additional noise, block the view, block the traffic and make our neighborhood aesthetically not very pleasing. This noise will impact the homes directly on the West of Klein.

Vendor Trucks: The noise study also did not cover the noise from the additional vendor trucks that will park on the street according the traffic report. Klein Road is not a very wide street, so all this noise will impact the homes directly across on West of Klein.

Traffic Report:

- The traffic report refers to the project as a daycare, while this is now a preschool. There could be a significant difference in the traffic patterns between a daycare vs. a preschool.
- Instead of gathering unbiased data themselves, the traffic study took student drop off and pick up times from the owners' project description and used that data to assume the volumes at certain times during the day. They could have at a minimum asked the owners to show them their last two years' actual records for drop off and pick up periods from their existing preschools that they are operating.
- Better yet, Hexagon could have put the counters in front of a few existing pre-schools to make it a more realistic study to get a better picture of the peak period volumes. We believe, Hexagon's data is very generic and without proper back up.
- Instead of gathering real time data, the study makes a lot of extraordinary assumptions:

- Assumes only 53 net new trips at AM and 53 at PM peak periods of the total 282 net new trips, which is only 38%. I have talked to many parents with young children and we also know from the traffic patterns on the freeways and streets that most of the people start work at 8:00 or 8:30 AM and finish at 5:00 or 5:30 PM. We also used to take our daughter to a preschool in Mountain View, so we know that almost 90% people drop their children between 7:30 and 8:30 AM and pick them between 5:00 and 6:00 PM. Hexagon's own volume count shows there are clearly peak periods in general traffic volume during the hours I have mentioned.
- Assumes 50% of the project trips will travel to and from Murillo and other 50% from south via Klein Road. If this is the case, 50% of the cars will make a left turn from the outbound driveway of the project. How will there not be a waiting period if all these cars are making a left and they will also be blocking the cars behind them that might be making a right.
- From our experience, most of the people living in those homes around the project travel to and from Murillo, waiting to make a left turn into the project in front of homes on West side of Klein. The cars coming from South on Klein will have the right of way, which means at peak these cars will be blocking our driveways.
- The traffic study does not account for the parents to park the car, unbuckle themselves, open their door, go the back seat to open the child's door, unbuckle the child, get the child out of the car seat, close the door, gather their own purse and gather the child's belongings, lock the car, walk the child to the back of the property where the entrance to the preschool is, sign in, handover the child and the belongings to the teacher, walk back to the car, open the door, put your purse, close the door, start the car, buckle yourself and start moving out. This does not account for if the child is fussy, which will take longer or if there are any special dietary needs that day etc. that will need to be conveyed to the teacher and if there is a wait at the sign in etc. **Most of the parents I have talked to, they have indicated a time period of 8 minutes to 12 minutes when they drop off and pick up their children. Had this been accounted for, the traffic study would have shown a mess in front of all the homes on Klein.**
- The traffic report does not study the impact of left turn in front of homes on West side of Klein (cars coming from Klein and Murillo) if there is a back up in the two drop off and pick up places. The traffic study assumes that everything will be perfect and the child will just open the door and go to the daycare himself/herself. The Queuing Analysis is completely flawed with very unrealistic assumptions. Has this traffic study preparer taken the time to visit some preschools and daycares? Should not they be talking about the real time data for this area instead of generic statistical data statewide or nationwide?

Location and City's General Plan:

According to the San Jose's General Plan, commercial use in a residential neighborhood is supported if the project is located on busier streets or at street intersections and provided such development does not negatively impact the surrounding neighborhood. New commercial uses are discouraged on small existing

streets unless it can be clearly demonstrated that the commercial use can integrate with the existing residential neighborhood without creating adverse impacts. This project does not meet any of the guidelines.

- Klein is not a busy street as per the traffic study itself. South of Murillo, the street goes into the valley and hills. A few blocks to the South of Murillo, Klein becomes extremely narrow. It does not connect to any major streets. It is clearly not a busy street, which is required in the general plan.
- Murillo past Ruby is also very rural. It actually dead ends only a block past Klein. While Tully is a main busy street, but not Murillo. Come and visit the area and see what I am talking about. The staff report erroneously refers it to a local connector. This street is not even a thorough street.
- This school design is not going to be integrated with the existing homes. There are no homes of this size in the neighborhood. Also, there are no homes with 10 parking spaces. There are no homes that have 74 people living there. There are no homes that will be generating so much trash. There are no homes that will be generating 282 net new trips in this 150 section of the street, creating a mess of the neighborhood. There are no homes that will generate this type of noise that will require erecting such high walls that the Noise Report considers not feasible. The size of this project is over 5,000 sf, which is much larger than other homes in the area.
- The preschool does not benefit the neighborhood directly. We already have a couple of daycares within a few blocks and one of them is actually only 2-3 blocks from the subject.
- The project is surrounded by residential homes all around. It will severely impact the quality of our lives with increased noise, traffic, hazard, safety, and security issues with a chance of attracting loiterers after hours when there is no one on the premises despite the cameras and the mirrors that the owners are touting.
- Our homes on Klein Road are on a slant and when we back out of our driveways, it is very difficult to see the subject property driveway, so with the increased traffic, the risk is going to be higher, jeopardizing the safety of children, parents and neighbors. On top of it, if the parents or teachers park on the street, the visibility will be even worse. Additionally, there will be vendor trucks on the street and garbage trucks on Thursdays.
- Our neighborhood is not a mixed-use neighborhood or a high-density neighborhood to integrate such project. This type of project belongs in a commercial, industrial, developed large school site, near employment centers, high density, or mixed-use area and not in a quiet residential neighborhood.

Parking and Location Size:

There is conflicting data in various reports as to how many drop off and pick up spots are on the property. There are a total of 10 parking spaces of which one is for handicapped parking leaving only 9 regular spaces. If there are six teachers and an assistant or owner totaling 7, they will take the 7 parking spots on the side, which leaves only 2 spots in the front for drop off and pick up. While the total number of parking spots on the property meets the city guidelines, it is certainly going to create parking in front of our homes

either by the teachers or the parents. I am sure this is not the city's intent to crowd our streets with parking from this proposed pre-school.

If the parents park on the street, they will cross the street with children creating safety hazard for the children and residents. If the teachers park there, how is this new project making our neighborhood better? We will have no street parking left since every morning; the teachers from the preschool will park in front of our homes and mailboxes.

Additionally, this site is not large enough to handle garbage trucks to enter the property to pick up trash every week. Commercial size bins will be placed on Klein every week with 74 people's trash with foul smell, noise, traffic jam and hazard.

Project Not on A Controlled Intersection:

The project is not on a controlled intersection, which means the cars waiting to make a left turn into the preschool in front of our homes on the West of Klein can keep blocking our driveways. The project is only about 150 feet from the intersection of Klein and Murillo. The traffic from these new 282 net trips will be circling within this small section of the street. Klein is not a one way street, so all the cars entering the project will also be exiting on Klein. Not only that, the cars will be entering the project from south and north. They will also be exiting making a left or a right- a real nightmarish situation. This is almost like a U turn within this small section, but only worse.

Conclusion:

We humbly request the city's planning department and the planning commission to look at the facts and not allow this project to continue. Based on the adverse impact the commercial use is going to create in the neighborhood, this is not the right location for this project. The owners should come and live in our neighborhood instead of continuing to push their agenda to destroy the character of our neighborhood and take away our peace of mind and what we have built over a long period of time by living here in the community. While there might be a need for daycares and preschools in certain zip codes, that does not mean they can be forced in every neighborhood with no regard to the people living there. Hopefully, the city cares for its citizens just as much as its businesses. None of us are against businesses, but they need to be at the right locations and they should not be allowed to interfere in the day to day lives of the residents.

comment of the day care project on Klein Rd, file no: CP14-027

nga doan <luckymap07@yahoo.com>

Mon 3/30/2015 1:56 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Dear Ms Whitney,

As a resident living in the Klein ct, I would like to voice our concerns regarding of the day care project on Klein Rd, file no : CP14-027.

We, as a family unit, strongly agree with the concerns written in the neighborhood letter that Jeffery Johnston sent to you on March 25, 2015 on behalf of the neighborhood. In addition, we see the site is the bottleneck of the traffic flow for people living in the Klein ct. Going out from the court for the right turn direction, or going home to the Klein ct, one has to stop at the stop sign, and one might have to stop or slow down again after proceeding just about 300 feet if there is traffic going in to or existing the day care center. That means the drivers from the Klein court approaching the day care center have to treat the section of the Klein Road at the day center as the T-section. Just a block of less 0.1 mile, the Klein ct drivers have to make 3 stops. The added time for the added stop might seem small but it could be significant more if it is multiplied by the number trips a Klein ct resident has to make per day, per week, per month and per year.

The proposed day care center will have impacts on the neighborhood and its residents, and only the neighborhood and its residents would have the first hand experience. We sincerely hope that our message, our genuine concerns, our efforts thus far are being taken seriously.

Below is the summary of the neighborhood's top concerns:

- 1. INCREASED TRAFFIC, RAISING SAFETY RISK**
- 2. INCREASED NOISE LEVELS HIGHER THAN NORMAL NEIGHBORHOOD STANDARD**
- 3. INCREASE IN UNFAMILIAR PEOPLE & PUBLIC PARKING USAGE IN IMMEDIATE KLEIN RD. AREA**
- 4. SUBSTANTIAL DECREASED PRIVACY TO IMMEDIATELY ADJACENT RESIDENTS**
- 5. RISK OF INCREASED LOITERING IN THE AREA**
- 6. MISREPRESENTATION BY THE OWNERS ON SIZE OF DAYCARE AND REQUIRED CHANGES**
- 7. APPLICANTS/PROPERTY OWNERS ARE NOT COMMUNITY MEMBERS, NOT VESTED IN THE CHARACTER OF THE NEIGHBORHOOD AND ONLY PARTY THAT BENEFITS**

Sincerely yours,

Michelle Doan and Robert Yolles

Proposed Pre-school on Klein Road

Diana Choi <divadi1004@gmail.com>

Mon 3/30/2015 11:36 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: saragill@comcast.net <saragill@comcast.net>;

Dear Whitney,

I live on Milburn Street, about 500 feet from the proposed location of the school and am very much opposed to this proposal. This area is a quiet and well maintained area in the 95148 zip code and should remain a residential community as was intended when the homes were built.

The city does not need to approve or encourage business into this area and it should remain a lovely place that will continue to attract new and successful families; maintain and improve property values; maintain the integrity of the area as was intended by the original owner who previously owned this home and land our homes were built on and finally, act as a haven for those of us who would like to continue living here.

The people who intend to build this school are not area residents, with little or no connection to the community and are only looking for monetary gain. If they were so interested in this immediate area they would not let this residence go into total disrepair and neglect. Currently The yard is filled with weeds and high grass and the structure has been left to ruin. If I were planning to build a business in a residential area that I claimed to care about then I certainly would have made every effort to maintain the upkeep of the property. THIS ONLY PROVES THAT THEIR CLAIMS TO IMPROVE AND MAINTAIN THE PROPERTY ARE ONLY RELATED TO MONEY AND PROFIT AND SINCE THERE IS NO SCHOOL TO MAKE MONEY AT PRESENT IT HAS BEEN IGNORED WITH NO REGARD TO THE SURROUNDING COMMUNITY.

They claim that at maximum capacity there will be 68 students and necessary caregivers who will probably be riding bikes. This means at least 136 additional cars in the area per day plus delivery trucks and bicycle traffic, I live on Milburn Street and am certain this will increase traffic here and on Klein Road in order to enter or leave the school. This is a considerable increase in traffic compared to what we have now. Additionally there is a new Mosque and a Buddhist Temple being built within a block in either direction of this property that will increase traffic in the area.

Additionally, I understand that it has been determined that there is no affect on noise in the area? How can extra traffic, parents, delivery men and 68 children not increase and affect the noise in the neighborhood? Who did this study? I certainly hope it was not my tax dollars at work since it doesn't take a rocket scientist to determine there will be more noise!

SJPD has also encouraged neighbors to be on the lookout for strangers and report them since there have been so many robberies in the area. HOW WILL WE KNOW WHO BELONGS HERE AND WHO DOESN'T WHEN THERE WILL BE SO MANY VISITING STRANGERS IN THE AREA AND THOSE FACES WILL CHANGE AS STUDENTS COME AND GO? Just as a note, the home invasions in the area have mostly occurred weekdays during the day when all of these outsiders will be in the area.

I am really interested to know and understand why these people want to build a business in a residential area when there are so many properties available in the surrounding commercial area and available open land that could be purchased that would not require structure tear down and rebuild and re-zoning in an older established

neighborhood in order to build the school? Can you tell me why? WHY DID THESE PEOPLE CHOOSE THIS AREA AND WHY DO THEY WANT TO BUILD IN OUR NEIGHBORHOOD? WHAT IS THE ADVANTAGE TO THEM? WHAT IS THE ADVANTAGE TO US?

This school will be of no value to those of us who live in this neighborhood; we probably will not have children attending; it will only bring in strangers and profit for the owners of the school at the expense and discomfort of those who live here.

Please do not allow this travesty to happen in our neighborhood.

Regards,
Diana Choi
3525 Milburn Street
San Jose, Ca 95148
408-270-5760
Sent from my iPad

Concerns over the Klein Preschool Project

Phuoc Tran <phuoc1963@hotmail.com>

Mon 3/30/2015 10:03 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Dear Mrs. Berry,

My name is Phuoc Tran. I am currently residing at 3550 Milburn Street, San Jose CA 95148. My house is about 100-200 yards from the Klein PreSchool Project.

I am writing the email to voice my concerns over the Klein Preschool Project (File No. CP14-027). As you probably know that many people from our neighborhood already voice their concerns against this Preschool project.

1. As far as I know, our neighborhood is a residential area. I moved to this house about 12 years ago. I love this neighborhood due to the tranquility. Having this Preschool with 70 children will surely take away that tranquility that we have enjoyed many years.
2. Over the last couple years, I have had witness increasing dangerous and reckless drivings of many drivers on Klein street. I am afraid something worse can happen to those kids in the Preschool. I have two (2) children and my wife and I always accompany them whenever they want to go the Groesbeck Hill park
3. I believe this Preschool Project will affect all of our neighborhood housing values. We survived the housing crash in 2009 and barely get our house value back. Please don't make our housing value gain go away.

I hope you and the San Jose City will re-consider our concern and NOT approve the project.

Best regards,

Phuoc Tran

(408) 728-5668

Proposed Daycare Center / 2510 Klein Rd.

David Jacobs <djacobs@linear.com>

Tue 3/31/2015 11:44 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Hello Whitney,
2015

March 31,

I am sending this e-mail out of concern as to the proposed Daycare Center site at 2510 Klein Rd. in San Jose (95148). This project size was misrepresented by the owners of the property. We were told that it was to be small daycare in the existing home, only to find out that the home would be demolished, and a larger 2 story would take its place. The owners obviously have no stake in the look of our neighborhood since they bought the property. It has gone from a beautiful well kept lawn, flower garden, and vegetable garden to weeds (the entire property), as tall as 4 feet. What would a large facility as they propose look like?

We then found out that it would in fact be a "school" of 75+ children, 5+ teachers (this is too large to be a daycare), and an 11 + parking lot on the side as well as a circular driveway to accommodate the 75+ cars coming and going in the early mornings and early evenings (both which are standard traffic times on our street already). We have many young and elderly folks riding bicycles on our street as a route to the upper hillside.

This "school" will disrupt the neighborhood!!!! We have a very quiet track of homes and want to keep it that way. Our area is not suitable for this kind traffic (no major controlled intersections), the noise will interfere with those in our neighborhood who work from home or retired and enjoy the peace and quiet. Those of us who's homes are directly behind the site will most defiantly lose our privacy.

There will be the risk of attracting undesirable elements to the area during both working and non working hours. This brings an added safety concern to those of us who live there as we have already had incidents of home break-ins. In short, this Daycare Center will add:

- a. Additional traffic
- b. Additional noise
- c. Safety risk
- d. Parking congestion
- e. Risk of loitering (undesirables from other areas)
- f. Reduce property value

I hope that you seriously consider our inputs to this matter. Unfortunately, if the Daycare Center should be approved, my wife and I will most defiantly move out of the neighbor as soon as possible, leaving some very great people behind.

Sincerely,
David Jacobs (2703 Klein Rd)
Fab-4 General Foreman
Linear Technology Corp
275 sth Hillview Drive

4/7/2015

Proposed Daycare Center / 2510 Klein Rd. - Berry, Whitney

Milpitas, Ca 95035
(408) 941-9775

The Klein Road Day Care Proposal, file no. CP14-02

Akbar Syed <akbarsyed12@gmail.com>

Tue 3/31/2015 8:20 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Hello Honorable planning commission members/Whitney

I strongly believe that the proposed project will forever change the character, nature, solitude and quality of my neighborhood. No mitigation will mitigate the fatal accidents waiting to happen. Please save our neighbourhood and children and do not approve this project.

Best regards,

Akbar Syed
Mobile: 408.315.1918
Home: 408.274.0706

Public Comments on Traffic Report for Day/Care/Preschool File No. CP14-027

Sukhwant Gill <gsukhwant@aol.com>

Wed 4/1/2015 1:24 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Louie, Candace <candace.louie@sanjoseca.gov>;

Cc: sarahkgill@comcast.net <sarahkgill@comcast.net>;

From: "Sukhwant Gill" <gsukhwant@aol.com>

To: sarahkgill@comcast.net

Sent: Wednesday, April 1, 2015 8:34:53 AM

Subject: E-mail to Whitney

Hello Whitney,

I reviewed Hexagon's traffic report and discovered that its conclusion statement "Addition of daycare/preschool at 2510 Klein Rd will not impact exiting traffic volume on Klein Road" is an invalid.

I discovered that in Hexagon's report under section "Site Access" in paragraph no. 2, Hexagon states that it followed the project description specifications. Project description is provided by none other than the applicants and their architect.

In my public comments for File No. CP14-027, I questioned the following:

1. Lower than normal no. of vehicles arriving at the projected site during AM/PM peak hour.
2. Omission of Drop off / Pick up time the vehicle stayed at the designated parking space at the projected preschool site.
3. Assumption that 50% of preschool related vehicle volume will arrive from North (Murillo Ave) and remaining will arrive on Klein Rd from South.
4. Not including six teachers vehicles in the AM/PM peak hour traffic volume tally.

When I talked to one of the owner about the traffic issues late last year, he said that about only one third of the children will be dropped off and picked up during AM/Peak hour and half the daycare traffic will arrive from the South on Klein Rd and other half will arrive from North (Murillo Ave). **These are the exact assumptions that the traffic report has used instead of using their own objective data. The traffic report should be based on totally unbiased and independently verified data, otherwise the findings are worthless. At a minimum, Hexagon should have reviewed the peak period volumes from the owners' existing preschools by looking at the sign in sheets over certain period. They should have also surveyed other preschools to determine the peak period volume. Hexagon has not done any of this and their findings are totally unreliable.**

In conclusion, the data used to generate Traffic Analysis report by Hexagon (except monitoring the existing vehicle traffic volume on Klein Road), is provided by the applicants and their architect. This traffic report is invalid.

Real time data collected from other daycare/Preschools (capacity of 60 students) in San Jose ares:

1. Traffic distribution 50% and 50% is unrealistic. **Split shall be 85% from North and 15% from South on Klein Rd.**
2. Volume of 25 and 29 vehicles arriving at the projected site during AM/PM peak hour. **48 and 43 vehicles AM/PM peak hour.**
3. Omission of Drop off / Pick up time of one vehicle stay parked at the projected site in the designated parking space.

8.5 and 7.8

Minutes respectively..

4. Not including six teachers vehicles in the AM/PM peak hour traffic volume tally. Included in Real Time data.

Note: During summer of 2014 owners(applicants) had misled the city of San Jose and our neighborhood by misrepresenting the description of the final project of preschool by converting from agriculture to residential and daycare facility to preschool.

Additionally, I collected the real time data from ABC Learning Montessori (owned by applicants) located at 1115 Kimberly Rd San Jose for traffic volume during AM peak hour. Enrollment capacity at Kimberly location is 48 students.

Total no. of vehicles arrived during AM peak hour =31 Vehicles (28 students + 3 Teachers)

Vehicles arrive at Kimberly site at the average time interval of 2 minute.

Average Drop off time per vehicle (stay parked in the designated parking space) is 8.5 minutes

During the AM peak hour, two or more vehicles arrived at Kimberly parking site at five different intervals. Vehicle traffic volume during AM/PM peak hour is not dispersed as called in the Hexagon's report.

My final conclusion is that Hexagon's Traffic Analysis report is not reporting the true the impact of traffic increase on Klein Road's exiting traffic volume with the addition of projected preschool. Hexagon's traffic report is generated using applicants and their architect's provided data and is completely unreliable.

Please review the traffic report thoroughly and planning dept. must deny the Conditional Use Permit of 2510 Klein Road facility as a daycare/preschool facility. I am also making a request to Planning Commission to deny the Conditional Use Permit of 2510 Klein Road as a day care/preschool facility.

Best Regards.

Sukhwant Gill

408-528-1018

Re: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Jeffrey Johnston <jeffreyjohnston@yahoo.com>

Wed 3/25/2015 5:07 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Kevin Lyter <lyterk@esuhd.org>; Sukhwant Gill <gsukhwant@aol.com>; Sarah Gill <sarahkgill@comcast.net>; Cristine Johnston <cristine.johnston@gmail.com>; Akbar Syed <akbarsyed12@gmail.com>; Thephysgenius <thepphysgenius@gmail.com>; Fariba M. <fariba40@gmail.com>; Nga Doan <luckymap07@yahoo.com>;

Thank you Whitney for your Email. I'd like to send the following on behalf of our entire Klein Community neighborhood. I sincerely hope that our message, our genuine concerns, our efforts thus far are being taken seriously. This proposal has created a level of anxiety and stress with most of the community. Personally, I stay up at night worrying about my future, my home and what I may be forced to live with if this proposal passes. 90% of the surrounding neighbors are apposed to this project. We participated in large numbers at the community meeting. We have remained professional. We are at the mercy of relying on "city processes" that most of us are unfamiliar with. A large group of us showed up at the first City Council meeting prepared to speak, only to be turned away and the meeting postponed at the request of the applicants. The applicants mislead the community and the City on their true intentions. While we feel uncertain and in the dark, I can tell you that the entire community remains united, we will remain passionate and hopeful that the city will do it's job. ALL OF US will be at the April 8th hearing. All of us will speak. We are prepared to appeal if necessary. If you would like all the names and email addresses that participated in drafting this letter, I would be happy to send them to you so the record can reflect that this is the opinions of ALL of us.

Thank you Kindly,

Subject: File No. CP14-027

Planning Commission:

Following the community meeting with City Staff members our neighborhood community has gathered once again to collectively write this letter. This letter represents over 40 community residents that will be drastically affected if the proposed Montessori School were to be approved. We are asking the Planning Commission document this letter.

On behalf of our Klein community impacted by proposed Day Care center (File No. CP14-027), I have summarized below our consolidated feedback and neighborhood concerns.

The top issues and concerns regarding the proposed day care site:

INCREASED TRAFFIC, RAISING SAFETY RISK

Klein Road is already a busy street from the hours of 7:00am -9:00am and from 4:00pm to 7:00pm, adding significant vehicular traffic will pose a danger risk to the neighborhood by way of:

- Majority of the proposed 68 kids – working parents - will drop off and pick up their children during the same hours.
- Klein is not a controlled intersection, adding this infrastructure will further strain traffic conditions and impact safety.
- Klein road is a popular street for many in the neighborhood to walk and exercise

INCREASED NOISE LEVELS HIGHER THAN NORMAL NEIGHBORHOOD STANDARD

Many of the neighbors that were at the meeting, work from a home office and are located directly adjacent to the proposed site. Having a home office requires a reasonably tranquil working ambiance. This will be extremely disruptive to what is normal to any neighborhood and in particular to ours – quiet and peaceful:

- Cars parking, dropping off, picking up and children at play

- Increased pets barking with the unfamiliar and constant changes in noise levels due to traffic, kids and people talking

INCREASE IN UNFAMILIAR PEOPLE & PUBLIC PARKING USAGE IN IMMEDIATE KLEIN RD. AREA

The proposed site is slated to have 10 parking spots, With a 6 member staff, this leaves 4 available spots. With 68 kids coming and going, we believe that our neighbor street on Klein will quickly become the easier place to park causing much congestion.

- Disruptive and changes the character of our street
- Safety concerns of unfamiliar cars parking next to our homes in an already highly targeted theft area
- Our families and friends should not have to compete for parking in our neighborhood because of the un-normal business traffic

SUBSTANTIAL DECREASED PRIVACY TO IMMEDIATELY ADJACENT RESIDENTS

The proposed site on Klein Road is at a higher elevation than most properties. My home specifically is located immediately next door (3605 Klein Court).

- Standing at the proposed drop off site driveway or parking lot, it is very easy to see into my (& others) back yard, Kitchen, Family Room, home office, Master Bedroom and Bathroom.
- Personally for 3605 Klein Ct., I have a raised garden to improve my health/diabeties by growing organically. Putting trees in to help with the privacy will block sun and severely challenge vegetation productivity and growth.

RISK OF INCREASED LOITERING IN THE AREA

During non-operational hours, the vacant, 10 space parking lot is an ideal place for loitering and fostering: illegal activity, skate boarding, individuals looking for seclusion off the street in their cars to smoke, drink, etc....

- Additional non-business hours noise and disruption raising a whole new level of safety concerns

MISREPRESENTATION BY THE OWNERS ON SIZE OF DAYCARE AND REQUIRED CHANGES

We believe that it is important that the council understand that the applicants misled the community when discussing future plans regarding: understating number of kids in the plan and advising there would not be significant square footage added

- With the few that signed the support document, it was that the 95148 area did not have enough day care. It was not to support the day care in our residential neighborhood.
- Once internalized, 50 signatures were quickly gathered to strongly oppose the daycare center.
- 41 neighbors attended the community meeting (January 8th) and voice our united, strong disagreement to the proposal.
- While the mediators were professional and supportive of the meeting, there was not adequate time for everyone present to voice their concerns.

APPLICANTS/PROPERTY OWNERS ARE NOT COMMUNITY MEMBERS, NOT VESTED IN THE CHARACTER OF THE NEIGHBORHOOD AND ONLY PARTY THAT BENEFITS

Having a business in the middle of our neighborhood, negatively impacts the character for all homes in proximity to the proposed site.

- The site will change the nature, character and peacefulness of our neighborhood. Many of neighbors who oppose the proposal are original home owners that purchased their home because of our quiet foothills.

Based on our summarized neighborhood concerns, we strongly feel that the Day Care would impact our neighborhood in the following ways as outlined in the original staff report (CP14-027) page 4:

a) **Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or**

b) **Impair the utility of value of the property of other persons located within the vicinity of the site; or**

c) **Be detrimental to public health, safety, or general welfare.**

We humbly request that you support us in asking the planning commission to disapprove the proposal.

Sincerely,

Concerned neighborhood Citizens

From: "Berry, Whitney" <Whitney.Berry@sanjoseca.gov>
To: Jeffrey Johnston <jeffreyjohnston@yahoo.com>
Sent: Tuesday, March 17, 2015 3:37 PM
Subject: Re: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Hi Jeff,

Good to talk with you over the phone this afternoon.

As I mentioned, this project is still early in the planning process and has not been approved. Planning Commission will make a decision on this project only after hearing a staff report on the project, a report from the applicant, and public comment from the community at large. Currently, this project is scheduled to go before Planning Commission on Wednesday April 8th.

The community is also welcome to comment in writing on the draft Initial Study/Mitigated Negative Declaration (IS/MND), which provides documentation and analysis of potential environmental impacts of the project. The City is legally required to publicly circulate this draft IS/MND for 20 days, during which the public can comment on any aspect of the analyses therein.

Before 5pm on April 6th, you can submit comments on the draft IS/MND directly to me by email (whitney.berry@sanjoseca.gov) or by mail at:

City of San Jose
Department of Planning, Building and Code Enforcement
Attention: Whitney Berry
200 East Santa Clara Street
Third Floor
San Jose, CA 95113

Once this 20 day period is closed, the community is still welcome to send letters to their council representative, to the Planning Commission, and or to the Planning project manager (Candace Louie).

Hope this helps clarify the process. Let me know if I can provide any further clarification.

Best,
Whitney

Whitney Berry
Planner | Planning, Building and Code Enforcement
City of San Jose
(408) 535-7829

From: Jeffrey Johnston <jeffreyjohnston@yahoo.com>
Sent: Tuesday, March 17, 2015 12:22 PM
To: Berry, Whitney
Subject: Re: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Thank you for providing us an update. I'm certain that you will hear from many more from our community. I would like to talk to you. Would you please call me at 408-375-8210

Jeff

From: "Berry, Whitney" <Whitney.Berry@sanjoseca.gov>
To: "Berry, Whitney" <Whitney.Berry@sanjoseca.gov>
Cc: "Louie, Candace" <candace.louie@sanjoseca.gov>
Sent: Monday, March 16, 2015 4:35 PM
Subject: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Dear Interested Community Members,

The City has performed **environmental review for the proposed Klein Preschool project** (File No. CP14-027: Conditional Use Permit to allow conversion of a 2,384 square foot single-family detached residence to a 5,039 square foot day care center for up to 68 children on an approximately 0.47 gross acre site). Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

The public is welcome to review and comment on the draft MND; **the public comment period begins on March 16, 2015, and ends on April 6, 2015.**

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165> .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Whitney Berry at (408) 535-7829, or by e-mail at whitney.berry@sanjoseca.gov

Thank you for your continued interest and participation.

Whitney Berry
Planner | Planning, Building and Code Enforcement
City of San Jose
(408) 535-7829

Re: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Mark Cao <mark.cao@gmail.com>

Fri 3/27/2015 11:43 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: Louie, Candace <candace.louie@sanjoseca.gov>;

Ms. Berry,

I am living directly across the street from the proposed Klein Rd nursery school. My address is 2715 Klein Rd. I have emailed to Ms. Louie regarding my concerns about the flawed traffic study. Ms. Louie already forwarded my comments to SJ Public Works, from what I understand, but I also wanted you to have a copy of my analysis, so that I can be sure it gets entered into the public review comments. My analysis is below.

Thanks,
- Mark

9/16/2014 Traffic Study is Flawed

- The Traffic Operations Analysis (9/16/2014) is completely missing any analysis of traffic flow within the proposed parking lot, as well as queuing at the incoming driveway. Hexagon Transportation Consultants authored this study. They justified this omission by stating the proposed design meets the bare minimum parking requirements (SJ Municipal Code 20.90) with a total of nine slots (excluding handicap parking), two of which are along a one-way drive-through.
- This lack of analysis seems justified for most permit applications, who request commercial usage within a commercial zone. For such standard applications, if the SJMC 20.90 parking capacity requirements fall short of the true peak demand, then overflow into the public streets is unobjectionable. However, CP14-027 proposes commercial usage in a homogeneously residential neighborhood and would create a chronic parking and traffic impact for all neighbors.
- The following guidance from SJ Council Policy 6-14 (Guidelines for Child Care) show the importance of a parking study to be included in the traffic study:

(2)(a)(i) New Child Care Centers are encouraged in residential areas on Major Collectors and Arterial streets, as designated on the adopted San Jose 2020 General Plan Land Use/Transportation diagram.

(2)(a)(v) Conversions from residential uses to Child Care Centers within homogenous single-family residential neighborhoods are discouraged.

(2)(b)(i) Access to new Child Care Centers to pickup and drop-off children should not negatively impact off-site traffic flow by causing on-street stacking or stopping.

(2)(b)(v) New Child Care Centers should provide adequate vehicular driveways and sufficient turn-around areas for adequate on-site circulation.

(2)(c)(iii) Child Care Centers should provide adequate short-term parking to accommodate child drop-off areas, which are not located in the public right-of-way.

- With respect to these specific guidance:

(2)(a)(i) Klein Road is neither a Major Collector nor an Arterial Street. The site is half a block south of Murillo Ave, the closest bigger street. Murillo Ave, also, is not a Major Collector, Minor Collector nor Arterial Street. Murillo cannot even be classified as a Local Connector, given that it reduces to two narrow lanes and lacks sidewalks for most of the stretch nearby Klein Rd.

(2)(a)(v) The proposed site is currently zoned as residential and actually used as such. All surrounding lots are also SFRs. San Jose planning diagrams show the neighborhood as being residential. There are no mixed-use neighborhoods nearby, again according to city-planning diagrams. The site is also *not* at a corner.

- The Study does not address **inbound** queuing at all! Misleadingly, the study mentions "queuing analysis," "on-site stacking" and "vehicle queues," yet always for only **outbound** traffic.
- The Study fails to recognize that pick-up and drop-offs at a daycare averages at 8.86 minutes (based on the Kimberly daycare that is owned also by the applicants; more info below). Their queuing analysis avoids acknowledging this fact by estimating vehicle stop times as "the movement delay for unsignalized intersections," which should be around 5 seconds.
- Queuing analysis when properly done shows that six parking slots are needed for pick-ups and drop-offs to handle the applicant's expected enrollment of 68 students. If only five slots were to be reserved for children drop-offs, then there is a high probability of drop-offs happening from the public street. This is clearly demonstrated using standard queuing models. Per Policy 6-14 (2)(c)(iii) excerpted above, public-street drop-offs of children are a violation of San Jose's policy for daycare design!
- The two most important consequences of the above are:
 - (1) Only three slots (of the nine total slots, excluding handicap parking) would remain for staff to park. The staff for an enrollment of 68 would include 6 teachers and an unknown number of other staff members (e.g., a manager and teaching assistants). That means 3, 4 or more staff must park along the street during the peak hours.
 - (2) Children drop-off parking will not follow a unidirectional drive-through flow, as the traffic study implied. Half or more of the drop-off parking flow must happen in the main parking lot. The small size of the parking lot, and the lack of a turn-around, means that stacking at opening of the incoming driveway can easily happen. (The peak-hour arrival rate of one car per two minutes means it will not be unusual for 3 or 4 cars to sometimes arrive at almost the same time, according to a Poisson arrival distribution.)
- Teachers parking along the street is clearly not the intention of the San Jose Municipal Code 20.90 that regulates parking capacity. The code specifies: "1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (**includes employee parking**)". For a development in a residential area, it is especially vital to disallow parking to sprawl into the surrounding public right-of-way.
- Teacher overflow parking will be in front of the school, in the public street. Those cars in general could very well be SUVs, minivans and other high-profile vehicles. So the view of parents who are exiting the outbound driveway will generally be obstructed, causing them to edge out the nose of their car, which will further add to traffic slowdowns in front of the school.
- The problems for outbound cars will be worst on trash pick-up days, since the large commercial trash bin (located near the outbound driveway) will be yet another visual blockage for outgoing cars.

Causes of Pick-up and Drop-off Delays

The traffic study ignored the significant length of time of dropping off and picking up small children. The noise study did mention that the drop of time was approximately 5 minutes. This is a gross underestimation. Actual documented times are actually

between 4 and 14 minutes, with an average of 8.86 minutes, as has been documented by neighbors Sukhwant Gill and Kevin Lyter. A five-minute time is unrealistic when one considers what a drop-off consists of:

1. • Getting child out of car seat. Or, buckling child safely in the car seat.
2. • Handling child being emotionally resistant to being dropped off. Or, handling child resistant to getting into the car.
3. • Walking child into the building. (I understand that the entry doors will be in the back, so that would mean a one-minute walk.)
4. • Signing in or signing out the child.
5. • Dropping off meals and supplies for the child. Or, organizing and gathering the child's supplies after school.
6. • Bringing child to his or her room. (Please note that the daycare will be two stories.)
7. • Speaking to the teacher, as needed, about concerns of the parent or concerns of the teacher.
8. • Speaking to administrators sometimes about the child's account or issues.

On Mon, Mar 16, 2015 at 4:35 PM, Berry, Whitney <Whitney.Berry@sanjoseca.gov> wrote:

Dear Interested Community Members,

The City has performed **environmental review for the proposed Klein Preschool project** (File No. CP14-027: Conditional Use Permit to allow conversion of a 2,384 square foot single-family detached residence to a 5,039 square foot day care center for up to 68 children on an approximately 0.47 gross acre site). Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

The public is welcome to review and comment on the draft MND; **the public comment period begins on March 16, 2015, and ends on April 6, 2015.**

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165> .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Whitney Berry at [\(408\) 535-7829](tel:(408)535-7829), or by e-mail at whitney.berry@sanjoseca.gov

Thank you for your continued interest and participation.

Whitney Berry
Planner | Planning, Building and Code Enforcement
City of San Jose
[\(408\) 535-7829](tel:(408)535-7829)

Re: San Jose Planning: Draft Initial Study for the Klein Preschool Project

Salma Syed <salmasyed2003@yahoo.com>

Tue 3/31/2015 10:00 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Hi Whitney

Please don't approve this Klein Pre-school Project. I strongly believe that the proposed project forever will change the character, nature and quality of my neighborhood. I really oppose this proposed Pre-school Project on Klein Road

Best regards,

Salma Syed

On Mar 16, 2015, at 4:35 PM, Berry, Whitney <Whitney.Berry@sanjoseca.gov> wrote:

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The City has performed **environmental review for the proposed Klein Preschool project** (File No. CP14-027: Conditional Use Permit to allow conversion of a 2,384 square foot single-family detached residence to a 5,039 square foot day care center for up to 68 children on an approximately 0.47 gross acre site). Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

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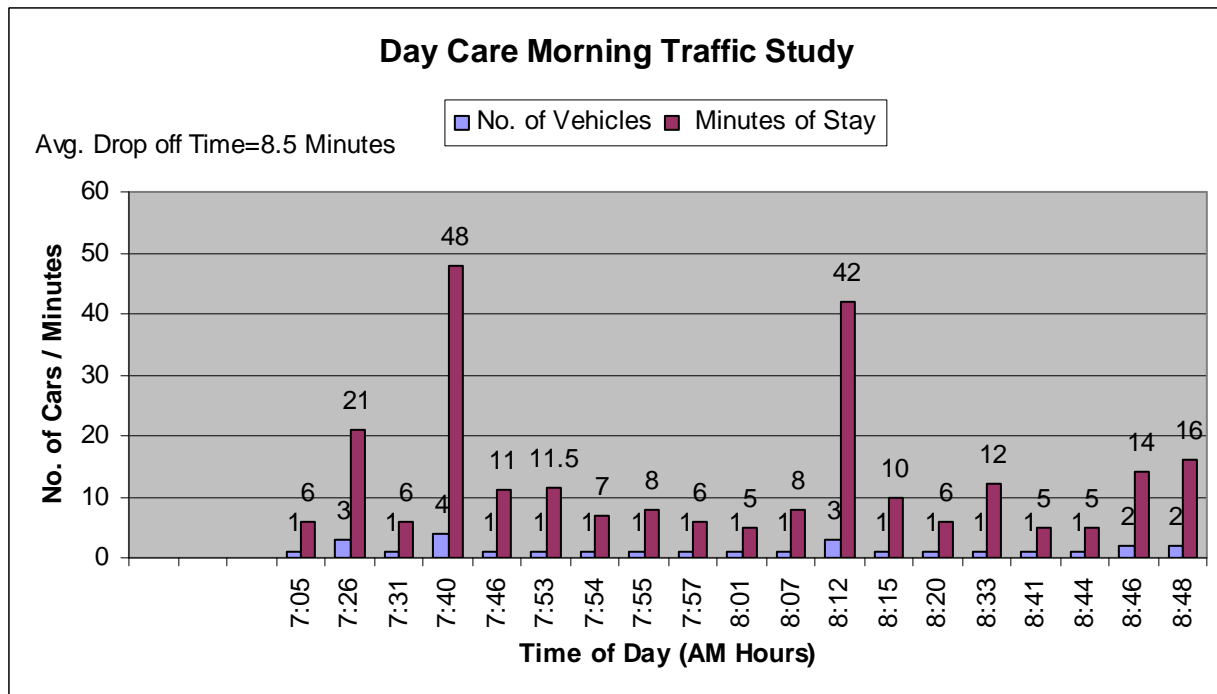
For additional information, please contact Whitney Berry at (408) 535-7829, or by e-mail at whitney.berry@sanjoseca.gov

Public Comments on Traffic Report for Day Care/Preschool, File No. CP14-027

My name is Sukhwant Gill and I am writing to you to oppose the proposed preschool project on Klein Road, File No. CP14-027. Traffic report published by Hexagon is generated omitting key data regarding drop off / pick up span time spent in designated parking space and using erroneous assumptions.

Drop off / Pick up span time spent in the designated parking space.

Hexagon failed to take into account the drop off/pick up span time each vehicle is expected to spend at the projected site. According to our data it is roughly 8.5 minutes per vehicle. See more detail below based on real time data gathered:



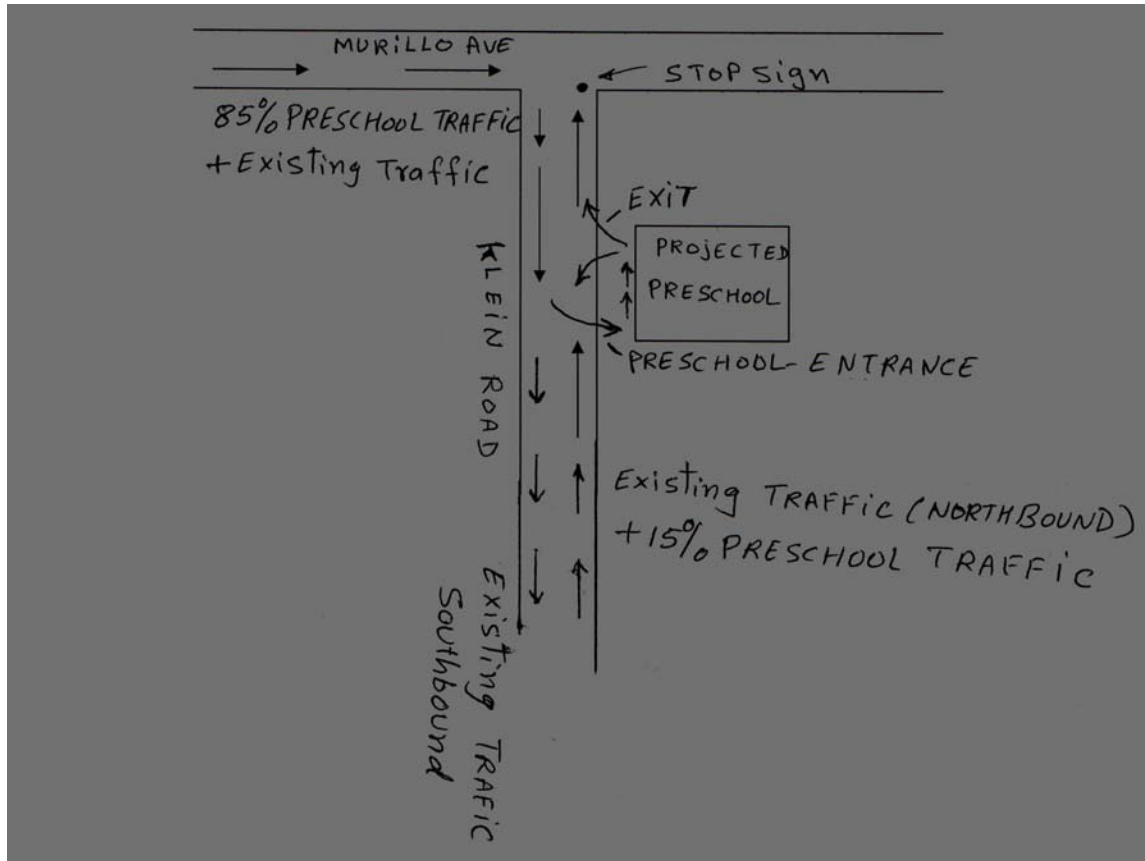
Trip Distribution and Assignment:

Hexagon is projecting that 50 percent of the preschool vehicles will arrive from North (Murillo Ave) and the remaining 50 percent will arrive from South on Klein Rd.

Hexagon's trip distribution assumption is based on their 24 hour survey study of the projected site surrounding roadways and the locations complementary land uses.

I being the resident of this community for 16 years, my observation is that 85% of the preschool vehicles will arrive from North (Murillo Ave), which is the primary connector to this area. Klein Rd is a very small residential street with no access to any main road in the near vicinity.

Below is my vision of Preschool Traffic flow on Klein Rd and its impact during AM & PM peak hour:



Comparison of Actual vs. Hexagon Traffic Volume (AM & PM Peak Hour):

To counter Hexagon's claim that the addition of preschool at Klein Rd will have no impact on the existing traffic volume, I have visited various preschools (with enrollment capacity of => 60 children) in the San Jose area and collected the following data.

Hexagon has projected that out of total of 75 vehicles (68 students+6 teachers+1 Aid), 25 vehicles will arrive during AM peak hour at a rate of one vehicle every two minutes. During the PM peak hour there will be 29 vehicles at the same rate. Hexagon's projected traffic volume during AM and PM peak hour is roughly 35% less than that of real time data collected from other preschools in San Jose area as shown in the chart below.

Comparison of Actual vs. Hexagon Traffic Volume To and From Preschool (AM & PM Peak Hour)

Time Period	Hexagon Proposed Data # of vehicles and %, Frequency	Real Time Data # of vehicles and % & Frequency
AM Peak Hour	25 (30%), one vehicle per two Minute	48 (68%), one vehicle per 1.25 minute
PM Peak Hour	29 (39%), one vehicle per minute	43 (63%), one vehicle per 1.4 minute

Below is the data collected from ABC Montessori located at 1115 Kimberly Rd. This preschool is owned and operated by Applicants of the projected site , File No. CP14-027

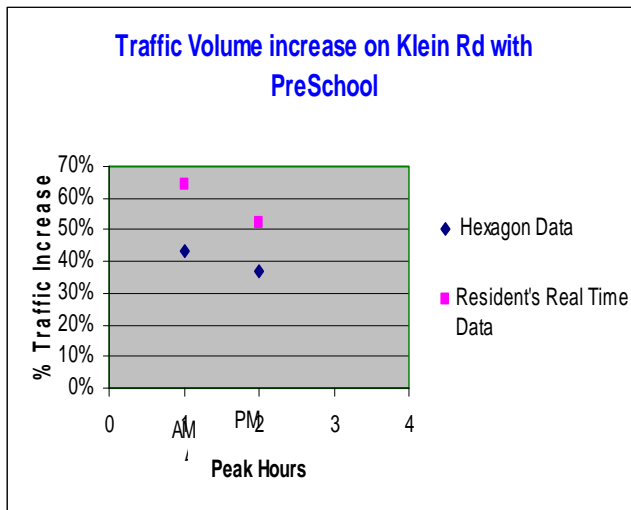
Kimberly Preschool Peak Period Traffic Volume Data

At Kimberly Daycare/Preschool the Morning peak hour collected data.	
Enrollment Capacity =48	
Time Period	No. of Vehicles arriving at Preschool, % and Frequency
Morning Peak Hour	30 (27 Parents + 3 Teachers) 63%, one vehicle per 2 minute.

Increase in Traffic Volume on Klein Rd with Preschool:

Hexagon's final conclusion is that traffic volume on Klein Rd. with the addition of preschool will on average increase merely by 16% and it is well within the range for local residential street.

Our community is concerned about the increase in traffic during AM and PM peak hour when 95% of the neighborhood people depart for and arrive from their work. In its conclusion, Hexagon ignored its own projected preschool traffic volume of 29 or 42% and 25 or 38% vehicles during AM and PM peak hour. In reality increase in traffic volume during AM and PM peak hour is even higher as monitored at other preschools such as 68% in the AM peak hour and 63% in PM peak hour.



Note: On page 2, Hexagon states that there will only be 16% increase in Traffic on Klein Rd and is within expected range for a local residential street.

Queuing Analysis:

Queuing analysis reported in the Traffic Analysis study is not an accurate assessment of the traffic flow in the vicinity of the projected preschool. Because, Hexagon did not take into account drop off / pick up span time spent in the parking space and also how the flow of existing traffic vehicles (one vehicle per minute) will impact the left turn entrance into the site and exiting out of the site.

Conclusion:

I concluded that considering all the omissions of critical (drop off / pick up span time) data and erroneous assumptions have proved that Hexagon's Traffic Analysis report does not depict the true impact of additional traffic on Klein Road's existing traffic and on the environment of the affected neighborhood.

Early signs that this project and the applicants are destroying the character of our neighborhood. DO THEY CARE? It sure does not look like.

Jeffrey Johnston <Jeffrey_Johnston@dtri.com>

Thu 4/2/2015 11:07 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: Louie, Candace <candace.louie@sanjoseca.gov>;

 5 attachments

Property 1.JPG; Property 2.JPG; Property 3.JPG; Property 4.JPG; Property 5.JPG;

Whitney:

During the community meeting months ago, the applicants continuously stated “ We are good Neighbors”, these people do live in the area but NOT in our neighborhood. See the pictures below of how they have left the property that IS in our neighborhood. Does this look like they care about our neighborhood? This is a direct reflection of the kind of people they are, that they do not care, it tells all of us in our neighborhood that they do have our best interest and that all they care about is their agenda. Please document.

Thank you.







[Jeff Johnston](#)

DT Research

National Channel Manager

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Cell: 408-375-8210



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Klein Montessori Violations of MC 20.90 (Parking); CP14-027

Mark Cao <mark.cao@gmail.com>

Thu 4/2/2015 12:47 PM

Public Comment

To: Louie, Candace <candace.louie@sanjoseca.gov>; Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: hopecahan@mac.com <hopecahan@mac.com>; mkamkar7@gmail.com <mkamkar7@gmail.com>; ed@abelite.com <ed@abelite.com>; nick@nickpham.com <nick@nickpham.com>; brian.ohalloran@att.net <brian.ohalloran@att.net>; edesab@yahoo.com <edesab@yahoo.com>; dyob@hopkinscarley.com <dyob@hopkinscarley.com>; Sukhwant Gill <gsukhwant@aol.com>; sarahkgill@comcast.net <sarahkgill@comcast.net>; Jeffrey Johnston <JeffreyDJohnston@yahoo.com>; Kevin Lyter <thephysgenius@gmail.com>;

I have discovered a flagrant and direct violation to SJ Municipal Code 20.90.150.D.5 (non-residential-use parking facility's inbound driveway must be within 150 feet of a major street). This violation would seem to support what my neighbors have asserted all along: that the proposed large daycare is unsuitably situated in the mid-block of a residential street.

My name is Mark Cao and I live at 2715 Klein Rd, directly across the street from proposed development.

SJ Municipal Code 20.90.150.D.5 (as amended by Ordinances 26820 and 28836) is as follows: "No **driveway access** is permitted **from** a public street unless either the public street is one that is designated an arterial or major collector by the General Plan of the City of San Jose, or the driveway is located within one hundred and fifty (150) feet of such a designated street."

The Staff Report for CP14-027 in support of the 4/8/2015 PC agenda asserts the following:

"Even though the proposed project is not directly located on a busier street, the proposed daycare use is consistent with the Residential Neighborhood designation in that it is a neighborhood-serving use that would be located within close proximity to a neighborhood collector street (Murillo Avenue)."

Consulting the SJ 2040 General Plan:

"This designation [Residential Neighborhood] supports the development of new commercial uses within established residential neighborhoods if located on busier streets or at street intersections, and provided such development does not negatively impact the surrounding neighborhood."

"New commercial uses are discouraged on small existing streets unless it can be clearly demonstrated that the commercial use can integrate with the existing residential neighborhood without creating adverse impacts. Commercial uses in these locations will typically be limited to home occupations or similar home-based commercial activities unlikely to create a nuisance within the established Residential Neighborhood setting."

These excerpts are almost identical in wording to LU-11.4, which the Staff Report claims is consistent with the applicants' plans and mitigations. *However, please note that commercial land usage within a residential neighborhood remains a commercial usage.* In no way does LU-11.4, however much generously interpreted, give the applicants a pass on the City laws pertaining to non-residential usage.

Please note that the previous staff report (either authorized or supervised by Mr. Wayne Farrens) for the PC 11/19/2014 meeting asserted that:

"the site is located **approximately 140 feet southeast of Murillo Avenue**, a busier street identified as a Local Connector on the General Plan Land Use/Transportation Diagram."

I believe the author meant that Murillo is designated as a Major Collector. My own measurement is that 140 feet is approximate, while **142 feet is exact**, as the distance between the site's northern property line and Murillo Ave. The outbound driveway's north edge is 25 feet further south; and the inbound drive's north edge is 130 feet south of the site's north boundary. That makes for 167 feet and 272 feet of distance from Murillo, respectively. Again, the code clearly speaks of access **from** the street into the driveway, which means that the inbound driveway's **272 feet of distance from Murillo** is indisputably in violation.

There are three other unrelated codes that the design if implemented would violate:

20.30.440: 50% limit on impervious surfaces within the front setback.

20.90.120: the parking area of the lot, having 6 parking spaces or more, is within the front setback of 25 feet.

20.90.060: clean-air parking spaces. For the proposed lot size, one clean-air parking space must be provided.

This conditional permit suffers from innumerable problems, both legal and ethical, due to the desire of the applicants to establish a daycare in the thick of homes. I ask you to respect both our neighborhood and the letter of the law of our great City. Please, perform due diligence, as we trust you will, and verify that the proposed inbound driveway would be 272 feet from Murillo Avenue.

Sincerely,
Mark Cao

Increased NOICE

Jeffrey Johnston <jeffrejdjohnston@yahoo.com>

Thu 4/2/2015 11:53 AM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Whitney:

I read that a noise report was conducted. Can you tell me if that was paid for by the applicants or by the City. If by the applicants, this is wrong as it becomes very biased. I read that the school would have little impact on noise. REALLY. I find that hard to believe when you can hear a pin drop on most mornings.

First, how can they do a noise study and determine any impact without actually having in "real time", Kids playing, Cars coming and going, car doors slamming, car alarms chirping? etc????

Here are two MAJOR concerns with respect to noise.

1. I get up in the morning at 8:30 am and leave for work around 9:00 am. My Bedroom Window is 75 feet from the proposed parking Lot/Drop off zone. This means that beginning around 6:30 AM (Teachers have to arrive prior to the school opening at 7:00 AM, cars will show up. Let's take for example 20 cars. This is a reasonable number of cars that one would expect to arrive at a school from 7:00 am to 8:30 am (Keep in mind I'm sleeping)

Example: One car shows up and parks their car. Two doors open, two doors shut and one car alarm chirps. When they leave, two door open two doors shut, One Chirp to turn car alarm off. Let's add this up: For one car arriving there will be a total four doors be closed and there will be two car alarm chirps. NOW, Let's multiply this x 20 cars. (keep in mind we are only talking 20 cars, not 68 and from the hours of 7:00 am-8:30 Am)

Every morning for the rest of my life, I will hear a minimum of 80 car doors slamming shut and 40 car alarms chirping. Walls and trees are NOT going to block this noise.

I have a sleeping disorder and my sleep is extremely important to my overall health. I wear a special machine at night to help me sleep better. ALL this noise is going to be very disruptive and prevent me from getting the vital sleep I need. I can get my Doctor to send a letter verifying my condition. Would yo like me too? By the time this is all over I might need to be prescribed anxiety pills. This Project is such an invasion of our personal space. I sincerely hope the planning commission is listening.

2. I have three young dogs. They are outdoor dogs. Every time someone walks along the sidewalk they bark. When they hear people coming and going from the parking lot, (only 20 feet away) They are going to bark. This will be disruptive to my family, the neighbors. Should the proposal pass, it would be disruptive for the kids who would be required to sleep and take naps. IT IS JUST TOO CLOSE. NOT THE RIGHT LOCATION.

I have a sleeping disorder and my sleep is extremely important to my overall health. I wear a special machine at night to help me sleep better. ALL this noise is going to be very disruptive and prevent me from getting the vital sleep I need. I can get my Doctor to send a letter verifying my condition. Would you like me too? By the time this is all over I might need to be prescribed anxiety pills. This Project is such an invasion of our personal space. I sincerely hope the planning commission is listening.

Queuing and Stacking Analysis, CP14-027, Klein Preschool

Mark Cao <mark.cao@gmail.com>

Fri 4/3/2015 3:08 AM

Public Comment

To: Louie, Candace <candace.louie@sanjoseca.gov>; Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: hopecahan@mac.com <hopecahan@mac.com>; mkamkar7@gmail.com <mkamkar7@gmail.com>; ed@abelite.com <ed@abelite.com>; Nick Pham <nick@nickpham.com>; brian.ohalloran@att.net <brian.ohalloran@att.net>; edesab@yahoo.com <edesab@yahoo.com>; dyob@hopkinscarley.com <dyob@hopkinscarley.com>; Sukhwant Gill <gsukhwant@aol.com>; sarahkgill@comcast.net <sarahkgill@comcast.net>; Jeffrey Johnston <JeffreyDJohnston@yahoo.com>; Kevin Lyter <thephysgenius@gmail.com>;

 1 attachment

Queuing and Stacking Analysis, CP14-027, Klein Preschool.pdf;

When traffic projections are inaccurately analyzed for a preschool, the typical consequences are: (1) **overflow parking** onto the public street; and (2) inbound **stacking** that **obstructs** the regular traffic flow of the public street. These will be exactly the outcome for the Klein Montessori parking lot, as it is currently designed.

My name is Mark Cao and I hold a Bachelor of Science degree in Mathematics from the California Institute of Technology, 1990. I also hold a Master's Degree in Computer Science from UCLA, where I specialized in queuing theory. The conclusions I will draw depend very much upon rigorous queue modeling, yet also can be easily intuitively understood.

I'm afraid I take exception to Hexagon's incomplete traffic study. When a realistic analysis is done, the main conclusion I arrive at is that 5 staff vehicles will be parked on Klein during business hours (7AM - 6PM), as well as occasional parent vehicles publicly parked, and this will be an adverse impact upon the neighborhood residents. My conclusion is argued from the ground up, with no hidden assumptions. Please see that full analysis, attached.

Thanks,

- Mark

Realistic Inbound Queuing Analysis for the Klein ABC Montessori (CP14-027)

When traffic projections are inaccurately analyzed for a preschool, the typical consequences are: (1) **overflow parking** onto the public street; and (2) inbound **stacking** that **obstructs** the regular traffic flow of the public street. These will be exactly the outcome for the Klein Montessori parking lot, as it is currently designed.

My name is Mark Cao and I hold a Bachelor of Science degree in Mathematics from the California Institute of Technology, 1990. I also hold a Master's Degree in Computer Science from UCLA, where I specialized in queuing theory. The conclusions I will draw depend very much upon rigorous queue modeling, yet also can be easily intuitively understood.

The Staff Report for the Planning Commission 4/8/2015 Agenda (CP14-027, proposed ABC Montessori on Klein Road) makes several key assertions that are demonstrably inaccurate. The fault is not with San Jose City's developers, but rather, with Hexagon Transportation Consultants, who wrote a Traffic Operations Analysis (dated 9/16/2014) that included **no analysis** whatsoever of **parking capacity** nor of **inbound vehicle queuing**. I am reasonably minded and do not object to commercial parking overflowing within a commercial zone. However, the General Plan includes the following policy objective:

LU-11.4 Locate new commercial uses in established residential neighborhoods on busier streets or at street intersections. **Discourage new commercial uses on small existing residential streets unless it can be clearly demonstrated that the commercial use can integrate with the existing residential neighborhood without creating adverse impacts.** Discourage primary access to large commercial parking lots and structures through residential neighborhoods.

The Staff Report listed LU-11.4 as a policy consistent with the proposed Montessori Preschool. I would like to show that the preschool will be highly inconsistent with LU-11.4, due to its effects on the public right-of-way and on all neighboring residences on both the East and West sides of Klein.

Summary of Hexagon's Analysis Status

Below are the pertinent parameters and whether they were accurately recorded by Hexagon Transportation Consultants. Each summary item will be detailed in later sections.

Parameter	Number or Description	Hexagon Consultants' Analysis or Status
Maximum student enrollment	68	Correct recording
Teachers and Other Staff	7 (6 + 1)	Incorrect underestimation. Hexagon declared either 4 or 5 staff parking spaces. They never used their assumption in any queuing analysis.
Average parking duration for pick-ups and drop-offs	8.84 minutes (based on observation of the applicants' ABC Montessori located on 1115 Kimberly Dr, San Jose)	Omitted. Hexagon did not analyze incoming vehicle queuing at all.

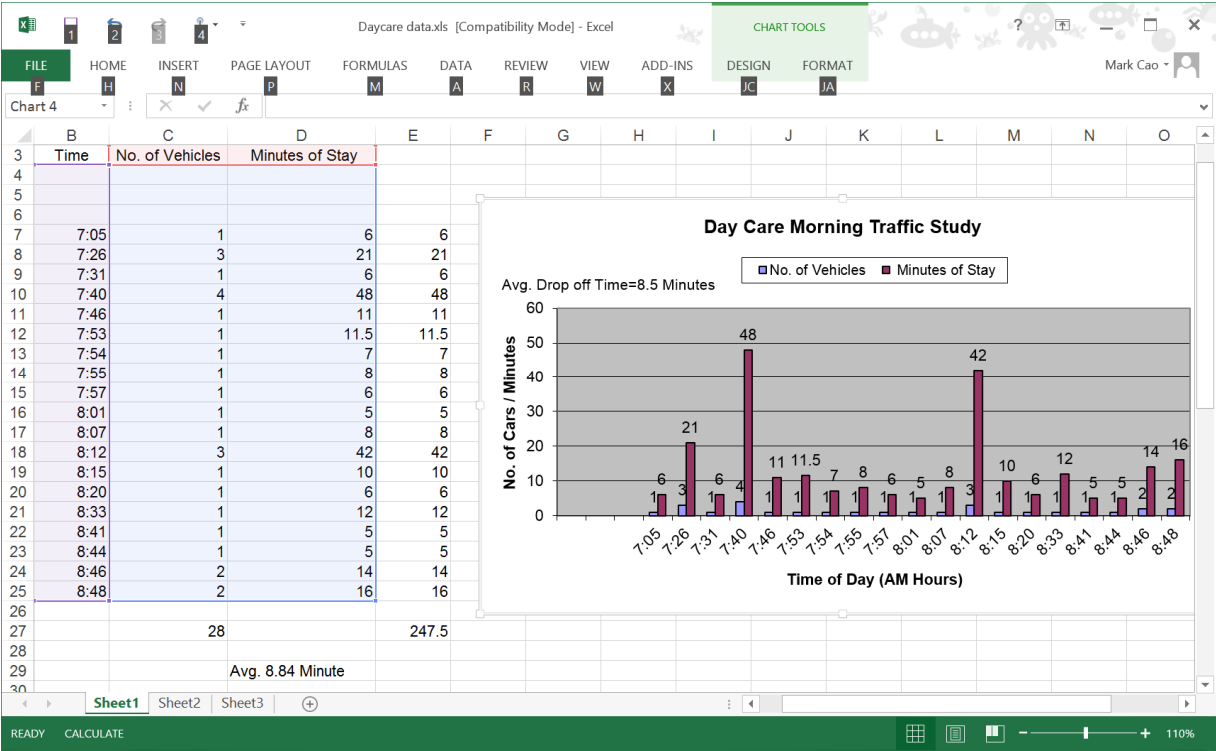
Parameter	Number or Description	Hexagon Consultants' Analysis or Status
<i>Probable available parking spaces</i>	8 regular + 1 accessible + 1 clean air vehicle	9 regular + 1 accessible
<i>Peak-Hour arrival rate (60 minutes duration)</i>	29 arrivals per hour Although 29 arrivals per hour is very low, considering that the majority of the 68 students should be dropped off during the peak hour, we assume Hexagon's assumption is in the ballpark.	29 arrivals per hour
<i>On-site refuge to prevent on-street stacking</i>	1	Omitted (by Hexagon). The planning Staff Report assesses the refuge area to be "adequate". However, no vehicle number is offered.
<i>Public street parking by teachers and staff</i>	5 (to be demonstrated by queuing analysis)	Zero. Hexagon declares that on-site parking is adequate.
<i>Adequacy of on-site circulation during peak hour</i>	An accurate analysis comes from realizing the parent drop-off parking would be mostly in the main parking area, not in the drive-through area.	Hexagon is silent as to whether child drop-offs will happen mainly at the two drive-through parking spaces, or chiefly in the main parking lot. This is consistent with their lack of performing queuing analysis.
<i>Obsolescence of the analysis</i>	The most current site diagram was received by San Jose City on 2/27/2015.	Hexagon analyzed an older site diagram. What invalidates their circulation study is that the newest site diagram (2/27/2015) implies dramatically poorer circulation , with parking space #3 always blocking #1 and #2, the two parallel parking spaces. This then makes parallel parking a lot more time-consuming, blocking the one-way drive-through aisle upon each parallel parking attempt.

Teachers and Other Staff

There will be 6 teachers, due to the 12:1 ratio required by California for children of this age. Additionally there will be one staff member. The total number of staff members will be 7.

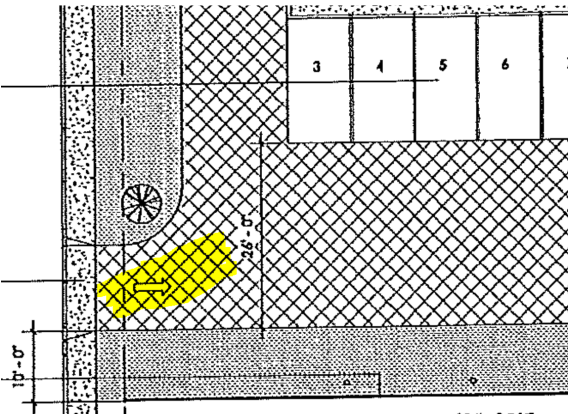
Average parking duration for pick-ups and drop-offs

Kevin Lyter and Sukhwant Gill are retirees living in the neighborhood. Mr. Lyter taught Honors Physics at Oak Grove High School while Mr. Gill worked as an engineer in Silicon Valley. These gentlemen spent a morning at the ABC Montessori on Kimberly Dr in San Jose. They gathered their data in meticulous detail and determined that the average drop-off duration, from the time a car parked to the time it left, was 8.84 minutes.



On-Site Refuge to Prevent Street Stacking

The diagram below highlights a minivan (16.7 feet) in the refuge area. The vehicle just barely clears the sidewalk. **There is only refuge room for a single car.** If two cars were to wait, obviously the driving aisle would be blocked or spaces 3, 4 and 5 would be blocked by the leading car.



Inbound Queuing Analysis

To understand the parking capacity needed for children drop-offs (at peak hour), the primary question is: **How many drop-off spaces must be reserved for parents to prevent on-street stacking?** Using all the parameters gathered, we run queuing analysis for 2, then 3, then 4, then 5, then 6 parking spaces.

2 parking spaces serving drop-offs

1	Model 5 (M/M/s/b queue):				
2	Multiple servers, Infinite population, Poisson arrival, FCFS, Exponential service time, Limited buffer (b)				
3	Yellow cells need user input values				
4	Inputs				
5	Unit of time	minute			
6	Arrival rate (lambda)	0.48	vehicles per minute	equals 29 vehicles per 60 minutes	
7	Service rate (mu)	0.113122172	vehicles per minute	equals 1 vehicle per 8.84 minutes	
8	Number of identical servers (s)	2	servers (parking spaces)		
9	Refuge size	1	vehicle(s)	(The max. number in system is equal to number of s	
10					
11	Outputs				
12	Direct outputs from inputs				
13	Mean time between arrivals	2.083	minute		
14	Mean time per service	8.84	minute		
15	Traffic intensity	2.1216			
16					
17	Summary measures				
18	Average utilization rate of servers	90.6%			
19	Average number of customers waiting in line (Lq)	0.5728	customers		
20	Average number of customers in system (L)	2.3856	customers		
21	Average time waiting in line (Wq)	2.7932	minute		
22	Average time in system (W)	11.6332	minute		
23	Probability of no customers in system (P0)	0.0300	(Probability of empty system)		
24	Probability of rejecting a customer (balking rate)	57.28%	(Reject rate)		
25	Effective arrival rate	0.205064432	(Entering rate)		

When only 2 spaces are available for children drop-offs, the average time in the parking lot is 11.6 minutes, due to waiting 2.8 minutes in the refuge area. Most importantly, 57.28% of arrivals will park on the street, which is in gross violation of daycare design for drop-offs. The small refuge area discourages parents from waiting to drive into the parking lot.

3 parking spaces serving drop-offs

1	Model 5 (M/M/s/b queue):				
2	Multiple servers, Infinite population, Poisson arrival, FCFS, Exponential service time, Limited buffer (b)				
3	Yellow cells need user input values				
4	Inputs				
5	Unit of time	minute			
6	Arrival rate (lambda)	0.48	vehicles per minute		
7	Service rate (mu)	0.113122172	vehicles per minute		
8	Number of identical servers (s)	3	servers (parking spaces)		
9	Refuge size	1	vehicle(s)	(The max. number in system is equal to number of s	
10					
11	Outputs				
12	Direct outputs from inputs				
13	Mean time between arrivals	2.083	minute		
14	Mean time per service	8.84	minute		
15	Traffic intensity	1.4144			
16					
17	Summary measures				
18	Average utilization rate of servers	84.8%			
19	Average number of customers waiting in line (Lq)	0.4003	customers		
20	Average number of customers in system (L)	2.9449	customers		
21	Average time waiting in line (Wq)	1.3907	minute		
22	Average time in system (W)	10.2307	minute		
23	Probability of no customers in system (P0)	0.0222	(Probability of empty system)		
24	Probability of rejecting a customer (balking rate)	40.03%	(Reject rate)		
25	Effective arrival rate	0.287847593	(Entering rate)		

4 parking spaces serving drop-offs:

1	Model 5 (M/M/s/b queue):				
2	Multiple servers, Infinite population, Poisson arrival, FCFS, Exponential service time, Limited buffer (b)				
3	Yellow cells need user input values				
4	Inputs				
5	Unit of time	minute			
6	Arrival rate (lambda)	0.48	vehicles per minute		
7	Service rate (mu)	0.113122172	vehicles per minute		
8	Number of identical servers (s)	4	servers (parking spaces)		
9	Refuge size	1	vehicle(s)	(The max. number in system is equal to number of s	
10					
11	Outputs				
12	Direct outputs from inputs				
13	Mean time between arrivals	2.083	minute		
14	Mean time per service	8.84	minute		
15	Traffic intensity	1.0608			
16					
17	Summary measures				
18	Average utilization rate of servers	78.4%			
19	Average number of customers waiting in line (Lq)	0.2614	customers		
20	Average number of customers in system (L)	3.3954	customers		
21	Average time waiting in line (Wq)	0.7373	minute		
22	Average time in system (W)	9.5773	minute		
23	Probability of no customers in system (P0)	0.0182	(Probability of empty system)		
24	Probability of rejecting a customer (balking rate)	26.14%	(Reject rate)		
25	Effective arrival rate	0.354528238	(Entering rate)		

5 parking spaces serving drop-offs:					6 parking spaces serving drop-offs:				
1	Model 5 (M/M/s/b queue):				1	Model 5 (M/M/s/b queue):			
2	Multiple servers, Infinite population, Poisson arrival, FCFS, Exponential service time, Limited				2	Multiple servers, Infinite population, Poisson arrival, FCFS, Exponential service time, Limited bu			
3	Yellow cells need user input values				3	Yellow cells need user input values			
4	Inputs				4	Inputs			
5	Unit of time	minute			5	Unit of time	minute		
6	Arrival rate (lambda)	0.48	vehicles per minute		6	Arrival rate (lambda)	0.48	vehicles per minute	
7	Service rate (mu)	0.113122172	vehicles per minute		7	Service rate (mu)	0.113122172	vehicles per minute	
8	Number of identical servers (s)	5	servers (parking space		8	Number of identical servers (s)	6	servers (parking spaces)	
9	Refuge size	1	vehicle(s) (The max.		9	Refuge size	1	vehicle(s) (The max. nu	
10					10				
11	Outputs				11	Outputs			
12	Direct outputs from inputs				12	Direct outputs from inputs			
13	Mean time between arrivals	2.083	minute		13	Mean time between arrivals	2.083	minute	
14	Mean time per service	8.84	minute		14	Mean time per service	8.84	minute	
15	Traffic intensity	0.84864			15	Traffic intensity	0.7072		
16					16				
17	Summary measures				17	Summary measures			
18	Average utilization rate of servers	71.5%			18	Average utilization rate of servers	64.6%		
19	Average number of customers waiting in line (Lq)	0.1577	customers		19	Average number of customers waiting in line (Lq)	0.0871	customers	
20	Average number of customers in system (L)	3.7317	customers		20	Average number of customers in system (L)	3.9606	customers	
21	Average time waiting in line (Wq)	0.3901	minute		21	Average time waiting in line (Wq)	0.1989	minute	
22	Average time in system (W)	9.2301	minute		22	Average time in system (W)	9.0389	minute	
23	Probability of no customers in system (P0)	0.0162	(Probability of empty syst		23	Probability of no customers in system (P0)	0.0152	(Probability of empty syst	
24	Probability of rejecting a customer (balking rate)	15.77%	(Reject rate)		24	Probability of rejecting a customer (balking rate)	8.71%	(Reject rate)	
25	Effective arrival rate	0.404293244	(Entering rate)		25	Effective arrival rate	0.438171913	(Entering rate)	
~					~				

Only after making six spaces available for drop-offs does the reject rate fall dramatically, from 15.77% to 8.71%. (The reject rate is the percentage of drop-off vehicles parking on the public street, due to refusing to stack behind the small refuge.) And the average time waiting in the refuge area finally falls to a reasonable 0.2 minutes (equals 12 seconds).

Public Street Parking by Teachers and Staff

Of the 10 parking spaces, 8 will be commonly used. (It is uncommon for accessible spaces to be used by active teachers and parents. And few drivers have qualified for San Jose's clean-air permit.)

If 6 of the spaces are to be made available for parents, then only 2 spaces will be left for staff usage during the peak AM hour and the peak PM hour. So of the total of 7 teachers and other staff, **5 teachers/staff will have to park on the public the street.**

The above scenario represents the most responsible conduct among all participants for the sake of the children and the neighborhood, but please note that worse scenarios are also possible. If too few spaces are made available for parents, then parents will either drop off their kids using the public streets, or else queuing and long waits will happen at the inbound driveway, resulting in stacking and blockage of Klein Road.

Even under the most optimistic scenario for the neighborhood, the peak-hour traffic will have an adverse impact on our neighborhood in the form of chronic staff parking on the street, as well as occasional stacking. As such, the application is inconsistent with Policy LU-11.4.

CP14-027, Klein Road Preschool

Julie Nguyen <givemejules@yahoo.com>

Thu 4/2/2015 11:26 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: Louie, Candace <candace.louie@sanjoseca.gov>;

Hello,

I want to express my opposition against the Klein Road preschool. Please help our neighborhood by declining the request to build the 68 student preschool in our area. This is a quiet residential area, the traffic and noise will disrupt our peaceful community. With 68 students, can you imagine the noise during break time, lunch time, and play time? And to help with the noise, they suggest a stone wall will be built??? Whenever I think about what this will do to our lovely neighborhood, it bring tears to my eyes. How can our city let this happen? How can a preschool of this size be built right in the middle of our neighborhood like this? This is not a commercial area, but a beautiful quiet residential community. The owners of this preschool will make money from the profits, but at the cost of everyone in the neighborhood! Having a school there will bring the value of our homes down. It will bring in traffic, and noise, and litter. Please, listen to us and hear our pleas...do not approve the Klein Road Preschool!

And if possible can you please reschedule the hearing to a later date, as next week is spring break for the Evergreen public schools and many families who want to attend have vacations already scheduled.

Please confirm the receipt of my e- mail and make my written comments as a part of the public record.

Thank you!
Julie Nguyen

CP14-027, Klein Road Preschool

Amy Cardoway <acardoway@att.net>

Thu 4/2/2015 9:32 PM

Public Comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

Cc: Louie, Candace <candace.louie@sanjoseca.gov>;

My name is Amy Cardoway. I oppose the proposed Pre-school project on Klein Road. My Neighborhood is rural, remote and quiet. I am extremely worried about the increased traffic, parking, increased noise, and the way this project will impact the current level of security and generally change the character of our neighborhood.

With all the new developments in the area, it is truly sad to see every piece of land being built on. I work mainly from home. From the crazy traffic we all have to drive through and the over crowing of people in the various areas of the South Bay.... I find my home to be my sanctuary as I am sure everyone can agree that our home is our sanctuary. In my neighborhood alone, since I have lived here, I have slowly watched the beauty of the foothills pillaged - trees removed and all the natural habitats destroyed. I live on Klein Court. Where there once used to be farm land is now a Vietnamese Church where mass is primarily held out doors. You can only image the noise level on Sundays with all the attendees and the cars driving there and parking on dirt creating a lot of dust - going into my backyard. Down on Ruby Road towards Mt. Pleasant, 10 new homes have been built, and next door, a monumental Mosque is being erected. NOW, there are plans on rebuilding a home into a Pre-School, where there is already a daycare down the street on Klein Road. Where do draw the line?

NOISE is going to be a HUGE issue. Our neighborhood is butted up to the foothills, noise easily echoes and bounces back, everything seems so much louder there. I can hear the tennis players from Groesbeck park, I can hear school events from Evergreen High School, and during the day, sometimes I can hear the laughter of children during recess from Quimby Middle School and I am not exaggerating! Now, these noises are from blocks and blocks away from Klein Court... Can you imagine the noise level of the Pre-School where they plan on having 68 students attend??? Just like the loudness of the church behind my area (which we've had to call the sheriffs a few times before for disturbing the peace) the Pre-School will also be a disturbance on all levels and all aspects. At least the church is only on Sundays, but the Pre-School will be EVERYDAY!!! They have already proven this by the noise report they researched and I do not believe the sound barriers that the school has proposed will help at all.

TRAFFIC is also going to be another issue - I know they plan on having 10 parking slots which I is not enough... and the plan has the design of a "U" shape driveway for easy "in-and-out" access. I have seen other Pre-Schools and Day Care centers in different locations and there's always traffic blocking the streets in the morning for drop-offs and traffic in the evenings for pick-up. The parents will park in front of homes and will park on side streets... wherever they find parking until school lets out. I have had friends who had these kinds of issues because they either lived in front of the school or near by. All my friends who were in this predicament, ALL ended moving because it became a HUGE disturbance and nuisance throughout the years! You simply just get tired of it.

One of the beauty of our neighborhood is that we know our neighbors and we know who do NOT belong. We look out for each other. The majority of our neighbors have no children, or their kids are grown. There are no pre-school children with our surrounding neighborhood. I can see how this school will attract outside families with young kids. Our security and the character of our neighborhood will be impacted because we will be wary of the stranger parking in front of our homes waiting... not knowing if they are there to pick up kids or just to "scope-out" the homes. I am

very wary of strangers driving through the court. There have been several incidents of robbery or attempted robbery.

I work with many builders in the South Bay, and as much as we love new developments, there are still other vacant buildings or plazas with vacant store fronts. The Evergreen Plaza have many vacant store fronts. There is one next to a learning center, as a matter of fact, it is an entire corner of the building. There is a park close by and a public library being built. It would make more sense for a pre-school to be located there than in the middle of a quiet neighborhood.

Lastly, I feel more for my neighbors who live directly across the designated pre-school, and I sympathize with my neighbors whose backyard is exposed to the school, where the children, teachers, parents - all STRANGERS - can easily see into their backyards. Let alone, the daily noise they will be exposed because they also work from home or are retired.

Like my neighbors, I too strongly believe that the proposed project will forever change the character, nature, solitude, security, and overall quality of my neighborhood.

PLEASE DO NOT HAVE THIS PRE-SCHOOL BUILT. It will have an overall negative impact on the community, let alone the school will feel un-welcomed.

Thank you.

Amy Cardoway

CP14-027 Klein Road Preschool
Comments on Initial Study/Mitigated Negative Declaration
Sarah Gill, April 5, 2015

Proposed Site Plan: It appears that the project design is changed. How does public keep up to date with all these changes. The Planning Commission hearing is on April 8, 2015 and tomorrow is the last day for the comments and yet I am just seeing these design changes. I wonder besides the parking relocation, what other changes have been made?

EIR: Section 2.0: Did the EIR study all these areas listed in this section and only the ones checked showed potential impact? Were there any areas that the Environmental Evaluation did not study?

Need: (1) The traffic report needs to be studied more in depth with independent peak volume figures gathered. The existing Hexgon Report dated 9-16-14, took the peak volume figures from the owners. The report needs to use more realistic and objective data (2) The report needs to study the impact on home directly across where the cars will either be making left into the project or right on the other side of the street, which will have the right of way keeping cars waiting on the West side of Klein in front of that home. (3) The report also needs to include the time it takes on average for children ages 2-4 to drop and pick up. It needs to incorporate every single function- buckling, unbuckling, gathering belongings, walking to the back of the property, signing in, are there going to be any queues at sign up and handing over the child and belongings, walking back to the car. (4) Are the parking maneuvers on the side of the house going to add extra time for the cars that are going into front parallel parking spots? (5) The outbound driveway allows both left and right turns. The left turns typically take longer whether exiting or entering, which means the cars behind them will be waiting. (6) How the circulation in this 150 foot section of Klein will be impacted with 282 new trips. (7) Is the new project within General Policy Guidelines for existing residential neighborhoods? (8) How will this increase in volume impact the pedestrians, bicycle riders and horse riders that we see on Klein at times. (9) Is the outbound driveway going to be allowed to make a left or right because at peak periods that is going to increase the hazard and cause additional delays?

Aesthetics: We believe impact on aesthetics will be significant with its design and the project cannot be integrated into the character of the existing residential neighborhood. *CD-1.17 Minimize the footprint and visibility of parking areas. This project will have 10 parks spots visible from the street. CD-2.1 Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan. 1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. 2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles. This project is*

not going to be conducive to pedestrians, bicyclists, or animals (horses and deer) that sometimes we see on Klein. It is going to turn from a quiet street to a jumbled mess in this 150 sf area. The building does not integrate with the rest of the neighborhood in size or parking lot spaces or recommended height of fence and use of the property itself. There will be signage that a typically home does not have. Additionally, the neighborhood does not benefit from the daycare directly or the speed bumps or cross walk put in front of our home or homes in general. The General Policy and Child Care policy are very clear about their guidelines for these businesses in established residences, so the negative impact of this project is significant.

Garbage: There is no mention on the impact on aesthetics from the trash from 75 people. The property is not large enough to handle onsite garbage pick up. Big commercial trash bins will be put on the street and there will resulting foul smell as well as noise from the garbage pick up of so many people.

Vendor Trucks: No mention in the report of adverse impact from additional vendor trucks on the street in front of our homes.

Regulation of Hazardous Materials: Pages 33 and 34. None of the actions have been completed for all the policy statements MS-13.2, EC-7.1, EC-7.2, EC-7.4, EC-7.5, EC-7.10 and EC7-11.

Need: All these items for the environmental study need to be completed before the issuance of CUP as required by General Policy sections cited in this section. The property has also not been checked for asbestos and lead paint.

Land Use And Planning: LU-9.1: How is this project creating a pedestrian friendly environment? It is actually making it worse for pedestrians, bike riders, horses that some people walk and the deer we sometimes see. The project will bring to the property 282 car trips vs. what we have now within this short 150 ft area. It will definitely create increased hazard for the pedestrians. LU-9.5: This project is a conflicting land use – commercial vs. residential for all adjacent properties. LU-9.17: This area is not identified as a growth area in the General Plan. This area borders the Urban Growth Area and Greenline. The mitigated negative declaration document appears to be so generic that it does not discuss specifically the projects impacts on various areas. It makes everything look normal when we know that the land use LU 11.4 is telling a very different story.

Comment: Significant negative impact and does not meet the General Plan guidelines. While there might not be any protected species, but we often see deer, raccoons and people with horses on Klein Road.

Need: The Negative Mitigated Declarations- does not include city's child care policies 6-14. The project does not meet the guidelines provided in this document just like it does not meet the LU guidelines for established residential neighborhoods.

Noise:

Issues: Policy EC-1.3: (1) Misleading- The conclusion on page 50 of the Mitigated Negative Declaration Report, section is indicating that the proposed preschool on an

existing residential site is consistent with the City's Noise Standards. First, the standards used are DNL, which are understating the exterior noise levels significantly for the construction and play area and parking area. Since the preschool is open only during the day and the construction will be done only during the day, the measure should be LEQ or the requirements under EC-1.9. DNL works when there is a noise from a project or source over a 24 hours period. This is a significant understatement of noise level for a business where the Noise Study has indicated that Lmax from the playground will be so high that there is no mitigant. While we do not recommend using Lmax, but it is telling a real story of this business how it is going to impact the adjacent homes negatively. (2) Even to bring the proposed property to acceptable DNL standards of 55dB, the fence needs to be 8 ft in many areas, which is higher than the City of San Jose Zoning Ordinance of maximum 7 ft's. (20.100.1320 Fence variance). **The report is continuing to stretch boundaries to make this project work even if it is at the cost of our neighborhood and quality of our life.**

ISSUE: EC-1.9 (General Plan) - The proposed property does not meet these policy guidelines. Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources (preschool is generating these type of noise and needed to be studied using these guidelines), **implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.** The Noise Study did not translate the mitigants to meet these guidelines and the project is not meeting the requirements.

Need: The Noised Study needs to be revised to show what mitigants will be required to meet EC-1.9 guidelines and whether they are feasible and within City of San Jose's zoning guidelines for construction, parking and preschool activity.

Transportation /Traffic: Page 59 of MND shows Murillo as a major north-south arterial street that runs from Ruby Avenue to Groesbeck Hill and then begins again south near Tully Court to Aborn Road. While Tully is a major arterial street, Murillo is not. Based on the UGB/Greenline General Policy map, in the section past Klein there should be no urban development until 2040. So Murillo is not a major arterial street since it is not even a through street and is a part of Greenline map.

Pedestrian activity will be impacted adversely by the project and there is not requirement for them to spend money on making the sidewalks wider in this area or develop the section that is dirt on Murillo -West of Klein. If they are going bring in so many new trips, should not they be asked to improve the infrastructure? We have no bike lanes here and we are okay since it is a quiet area, but it will not be a quiet area with this type of project. It is going to significantly impact the 150 ft quiet section of Klein negatively. Adverse impact on pedestrian activity is not allowed in the 2040 plan, so it is a violation of city's general plan.

Page 60 Special Strategy Areas- How does this apply to the proposed project? In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas. Murillo and Klein intersection does not fall under any of these items described as per General Plan.

Page 61: Impact Evaluation: There will be significant adverse impact in the 150 ft section. See comments under EIR. There needs to be a focused and objective study for the peak volumes showing impact on this section and the area including pedestrians, bikers, horses, and deer. The study needs to include the home on 2711 Klein since all the cars will stop in front of this home to turn left into the project. The cars on the other side will also impact this home since Klein Road is not a very wide street especially if there is street parking from this project and there are both left and right turns at the outbound driveway.

While in general the project trips might seem low, but the 150 foot section South of Murillo and Klein will have a significant impact if the traffic impact is done correctly. There are so many omissions in this report. **There needs to be a more focused EIR study.**

Page 62, section d, e: Would the project substantially increase hazards due to a design feature? Would the project result in inadequate Emergency Access? The answers to both these questions are yes. The safety hazard will increase for the pedestrians and for the people who back out their cars from the driveway since the driveways on the West of Klein are at a slant; the visibility is not very good. With increased trips within this short area will only increase risk for everybody. If the traffic report had done the stacking analysis correctly, that would have shown that the emergency vehicles might have difficulty to access the area during peak periods.

According to the Staff Report- Even though the proposed project is not directly located on a busier street, the proposed daycare use is consistent with the Residential Neighborhood designation in that it is a neighborhood-serving use that would be located within close proximity to a neighborhood collector street (Murillo Avenue). Please note that our entire neighborhood is against this project, so I am not sure how it is a neighborhood-serving use.

LU-11.4 (San Jose General Plan)

- “Locate **new commercial uses in established residential neighborhoods** on **busier streets** or at **street intersections**. Discourage new commercial uses **on small existing residential streets unless** it can be **clearly demonstrated** that the commercial use can **integrate with the existing residential** neighborhood without creating adverse impacts. Discourage primary access to large commercial parking lots and structures through residential neighborhoods.”

Comment:

- This project not on a busier street- Klein is a quiet street with speed limit of 25 MPH.
- Not at a street intersection.
- Klein is an existing small residential street according to the City's General Plan.

This project clearly does not integrate with the neighborhood in its size which is over 5000 sf vs. 2700 to 3000 sf of existing homes, number of people in and out everyday (74 vs. 2-3-6), number of parking spaces much more than a typical residence (10 vs. 2 or 3) and visible from the street. CD-1.17 (General Plan): **“Minimize the footprint and visibility of parking areas.”**

Guidelines for Child Care Policy 6-14: It has similar guidelines for new child care centers to encourage them-

- In developed school sites and in conjunction with church uses.
- In non-residential areas near employment centers.
- In the transitional or mixed use areas.
- In residential areas on Major Collectors and Arterial streets. Under 2040 general plan's land use map Murillo is not going to have any development until after 2040. It is on the Greenline in the land use map.

The policy 6-14 discourages:

- Conversions from residential uses to Child Centers within homogenous single family residential neighborhoods.
- Locating Child Centers on residential streets with limited accessibility to prevent traffic congestion and bottle-necking within the neighborhood.

Public comment about neighborhood impact, CP14-027

Hang Hoang <hanglhoang@gmail.com>

Sun 4/5/2015 6:21 PM

New pub comment

To: Louie, Candace <candace.louie@sanjoseca.gov>; Berry, Whitney <Whitney.Berry@sanjoseca.gov>;

To San Jose Planning:

Our family lives close to the Klein Preschool site, within just 100 feet. I was shocked to learn that San Jose Planning does not believe there will be an irremediable impact on the quality of our lives with a large preschool moving in. Please enter my comment below into the public record.

Being a mother myself, I know how much is involved in picking up a child from a day care and dropping one off. The quickest I have ever been able to drop off my child (when he was a toddler) was 5 minutes. More typically, it took 10 minutes, because so many things happen when dropping off a very young child. The unpredictable happening is the exception, not the rule: child is in a bad mood that day; child does not want mommy to leave him there; child has a runny nose; medication or behavioral issues must be discussed with the care provider. If I forgot the diaper bag in the car, or if my child insists on staying in the car longer, those minutes are added to the drop-off. I have to sign-in daily, or I have to update account billing occasionally.

I have always taken my son to daycares in commercial settings. With the Klein Preschool on a neighborhood street, the stress of the small parking lot (with fewer than 10 spaces realistically available), and the fact that one car will be coming every 2 minutes, and the fact that each car will stay parked between 5 and 15 minutes (8½ minutes on average) will place a huge strain on our neighborhood.

How can my own experiences with daycare visits be so different from the experts' analyses, who say there will be an impact of 1% which is nothing at all? Don't they realize that dropping off a child is not like dropping off a package?

Unless you truly believe in the traffic report's completeness and diligence, I strongly urge you to reject their proposal, and listen instead to experiences like mine and those of similar parents.

Sincerely,

Lucy Hoang

2715 Klein Rd, San Jose, CA 95148

(714) 307-7774

Noise Level is Non-Compliant, Even with the Offered Mitigations

Hang Hoang <hanglhoang@gmail.com>

Mon 4/6/2015 2:08 PM

New pub comment

To: Louie, Candace <candace.louie@sanjoseca.gov>; Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Lipoma, Emily <emily.lipoma@sanjoseca.gov>;

Cc: mkamkar7@gmail.com <mkamkar7@gmail.com>; brian.ohalloran@att.net <brian.ohalloran@att.net>; nick@nickpham.com <nick@nickpham.com>; edesab@yahoo.com <edesab@yahoo.com>; dyob@hopkinscarley.com <dyob@hopkinscarley.com>; hopecahan@mac.com <hopecahan@mac.com>; ed@abelite.com <ed@abelite.com>; Kevin Lyter <thephysgenius@gmail.com>; Sukhwant Gill <gsukhwant@aol.com>; Jeffrey Johnston <JeffreyDJohnston@yahoo.com>; sarahkgill@comcast.net <sarahkgill@comcast.net>;

Dear Ms. Louie,

I would like to bring to your attention the following elements of the noise report for the Klein Preschool (CP14-027), for inclusion in public comments. The acoustic consultants admit that their advice comes up still well short of bringing the proposed preschool into compliance with San Jose's **residential zoning** noise ordinance.

As you know, the mitigation measure is construction of 6-foot and 8-foot acoustic barriers. The consultants concluded that such low-height mitigations can still be effective:

The implementation of the above recommended measures will reduce exterior noise exposures to 55 dB DNL or lower **and short-term noise levels to 55 dBA or lower** in the rear and side yards of the adjacent residences to the south, east and north. Noise increases will be reduced to less than significant for compliance with the standards of the City of San Jose Noise Element, the **City of San Jose Zoning Ordinance** and CEQA. (p. 24 of the Noise Report)

The important key here is that "short-term" can mean anything from one second to 30 minutes. The San Jose ordinance specifies 55 decibels to be the maximum tolerable noise level, applying that level to **all standard short-term durations**.

But elsewhere, the acoustic consultants found that no normal residential-height fences would reduce the preschool noises down to the level acceptable by code:

The Lmax sound levels at the planned project site will range from 65-76 dBA at the north property line, 72-83 dBA at the east property line and 62-73 dBA at the south property line. **The necessary noise barriers would need to be 11 ft. high, 31 ft. high and 9 ft. high at the north, east and south property lines respectively, to comply with the [San Jose] Zoning Ordinance standards.** (p. 19)

So why did they state in their mitigations and conclusion that:

Noise increases will be reduced to **less than significant for compliance with the standards of ... the City of San Jose Zoning Ordinance** ... (p. 24)

?

The only way to explain the contradiction of the consultants' own words is to realize that they have completely dismissed Lmax numbers (one-second durations of noise) as part of consideration. When they say the mitigating barriers would bring short-term mitigations into compliance, without precisely defining what short-term meant in that sentence, they could be talking about an averaged duration as long as 30 minutes. By confusing such a wide range, they have glossed over the impact that a longer

4/7/2015

Noise Level is Non-Compliant, Even with the Offered Mitiga... - Berry, Whitney

duration of, say, 15 minutes, could cause to neighborhood tranquility. Please note that the children's recesses will happen twice during the day, both times lasting 80 minutes. During those 80 minutes, there easily could be many burst of vocal noises that are out of compliance.

Please consider that even with the mitigations proposed (6-feet and 8-feet barriers), in the consultants' own words, the project would still be out of compliance for our residential neighborhood.

Sincerely,
Lucy Hoang
2715 Klein Rd
(714) 699-4447

Please disapprove project CP14-027!

wegontrl@comcast.net

Mon 4/6/2015 3:33 PM

New pub comment

To: Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Louie, Candace <candace.louie@sanjoseca.gov>;

Cc: District8 <district8@sanjoseca.gov>; tammygo@Comcast.net <tammygo@Comcast.net>;

To the San Jose City Council and Planning Commission,

We strong disagree with the decision to request approval for business under File No. CP14-027 within our neighborhood.

The size of this project will negatively impact the neighborhood in many ways; traffic, noise, aesthetics, pollution, crime, etc.

There is an false attempt to describe Murillo as a collector street but at this end Murillo is only a small two lane road that already causes delays in trying to exit the neighborhood due to community traffic. Klein road is a residential street that this additional will make more congested. These roads are used a lot by the neighborhood for biking and walking; the additional traffic will contribute to the risk the pedestrians using the area. The air quality will suffer from the number of vehicles idling while the kids are dropped off and waiting fro traffic to clear. Parents that are heading to work are going to get impatient and let the kids out on the street potentially endangering the kids and neighbors.

This is presented as an improvement to the neighborhood since it will embed daycare services within the community. If you look at the location it is on the very outskirts of the community with more open county land next door. What this poor location will do is pull the vehicles and customers out to the very edge of the community, not to a centralized location in close proximity to the users.

The noise from the vehicles will be a detriment to this quiet neighborhood. To deliver and pickup 68 kids and 8 staff could add up to 75 vehicles into this confined area. The plans have the main entry to this business going to the back of the building to help hide the fact that it is a business within a residential neighborhood. That entry will place that foot traffic within 60 feet of our house and master bedroom. So much for enjoying the night breeze with the windows open as the noise from this business will wake us.

Worse yet the proposed play area will be 20 feet from our house. Can you imagine up to 25 kids playing 20 feet from your location? Groesbeck Hill Park is about 200 yards away and the noise carries from it due to the otherwise quiet nature of this area. Even with double pane windows the noise from this play area will be horrible.

Do you really think that sound walls and scrubs are going to mitigate the noise of all the vehicle and pedestrian traffic or 25 kids playing? The sound wall is just going to reflect the noise back to

the two stories of the business and then right against our house and master bedroom wall.

Having this business with all of the paved area will attract loiterers and trouble to our backyards. What good are cameras other than capturing the crimes for later. Assuming the cameras are placed where they are effective and not invading our privacy.

From a privacy standpoint, how are our rights as homeowners going to be protected when this business brings 68 kids to the other side of our fence. Will we be subjected to child protection laws and not be able to smoke within our yards since the kids are so close. Will we have to keep our curtains closed all the time to keep from having trouble with decency laws in case the kids see into our house or yard. Will we have to monitor our music and TV so that inappropriate language will not reach the kids since they are so close? What about when I hit my finger with a hammer and express my extreme displeasure?

There are no other businesses in this neighborhood so the aesthetics of this building at least twice as big as the surrounding houses, with roads and parking lots for most of the front and side yard will be a negative to the value of the neighboring homes. This business should be in a centralized location where there is enough space for a large buffer from the surrounding homes or placed in a more commercial location.

It is a shame that this project has been allowed to progress to this point, putting undue stress and concern on the community. When it should be obvious that this size of business is not correct for this area. The planning commission should have the neighborhood's interests as a priority not a business that only cares about their business results.

Wayne and Tammy Gongaware
3623 Klein Court
San Jose, CA 95148

PS. Please ensure that this email is included in the public record for file CP14-027.